

O'Melveny



Unprecedented Challenges.
Unwavering Commitment.
O'Melveny 2020.

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LETTER FROM THE CHAIR

To Our Clients and Friends:

This past year was unimaginably difficult. The global pandemic struck first, followed by an economic meltdown. Then civil unrest broke out in the streets, from Hong Kong to London and across the United States, which reckoned with mass protests over police brutality, racial injustice, one of the most divisive US presidential elections in modern history, and an even more unsettling post-election period.

This confluence of crises—spilling into the new year—has demanded much of us all. I'm proud to say that we, as a firm, have risen to meet these challenges, rallying to help our clients and communities get through some of the darkest days and turn toward a brighter future. In the worst of times, O'Melveny is at its best.

As the virus spread, we quickly assembled a firmwide Coronavirus Task Force, bringing together lawyers from different practice groups and offices to advise clients on a host of COVID-related concerns. When California's governor needed to secure additional beds by reopening a shuttered hospital in Los Angeles and revitalizing an underutilized facility in the San Francisco Bay Area, he turned to O'Melveny, as did dozens of other clients in industries as diverse as consumer products, entertainment, financial services, health care, and insurance.

LITIGATION ACHIEVEMENTS

With a wave of pandemic-related, business-interruption claims threatening to drown the insurance industry, O'Melveny argued on behalf of more than 30 insurers before a judicial panel on multidistrict litigation, defeating an attempt to centralize hundreds of policyholder actions based on disparate government shutdown orders. At least 400 people from around the nation listened to the oral arguments by teleconference. In describing O'Melveny's result, *Reuters* noted: "The insurance industry dodged what could have been one of the most consequential MDLs in US litigation history."

We continued to make history in other ongoing, high-profile cases—representing Johnson & Johnson in massive opioid painkiller litigation, Bitcoin.com in the first antitrust case involving cryptocurrency, and the Commonwealth of Puerto Rico in the biggest government bankruptcy in US history. Our efforts to help restructure the island's debt took us to the Supreme Court, where we led the Puerto Rico Fiscal Agency and Financial Advisory Authority's successful defense of an Appointments Clause challenge to its structure, preserving the important work it has done to save Puerto Rico from financial collapse. That was just one of seven cases we handled in the 2019–20 Supreme Court Term—and one of five victories there, an impressive track record even for a team that regularly appears before the High Court.

CORPORATE ACHIEVEMENTS

Facing difficult market headwinds, our corporate dealmakers did remarkably well, closing approximately 250 global M&A transactions for an aggregate deal value of nearly US\$90 billion. These included a slew of blockbuster sports deals involving soccer, baseball, basketball, and esports. In one of the more closely watched transactions, we represented The Friedkin Group in its US\$716 million acquisition of a controlling stake in the storied Italian football club AS Roma. The O'Melveny team worked swiftly to close the deal amid the glare of global press attention, as developments in the transaction quickly became front-page news and fodder for numerous fan sites reporting rumors almost daily. Negotiations occurred across nine time zones. Documents frequently required translation. Other challenges included navigating Italian labor laws, securities and tax issues, and complications over the proposed construction of a new stadium.

Our capital markets and finance groups advised on transactions with a total combined value of US\$80 billion. We represented a syndicate of underwriters in the issuance of more than US\$2.6 billion in bonds for the University of California system—one of the largest financings in the higher education sector since the pandemic dealt a blow to universities. Across the Pacific, our China team handled nearly a dozen Hong Kong IPOs and secondary listings, including RemeGen's US\$588 million IPO—the world's biggest biopharma IPO of 2020—and the US\$1.92 billion Hong Kong secondary listing of GDS, a China-based data center service provider.

With a strong Silicon Valley presence, we supported the emergence and growth of numerous innovative companies, closing about 200 venture capital financings that raised more than US\$6.2 billion while working on deals with 30-plus “unicorns”—private companies valued at US\$1 billion or more.

COMMUNITY INVOLVEMENT AND PRO BONO

Stepping up to help our communities in their moment of need has always been an O'Melveny priority. That was never truer—or more vital—than in 2020. Our firm values dictated we do our part to promote healing and progress.

As the year began, an O'Melveny team in Asia set up a relief drive with MedShare, a global humanitarian aid organization, to raise money for coronavirus support in China. Through the generous contributions of our attorneys and staff, coupled with the firm's match, MedShare shipped 1.8 million respiratory masks and 200,000 protective gowns to medical personnel, equipping healthcare professionals, clinics, and hospitals in China in their battle against the pandemic. To further help the cause, we invited our entire class of 2020 summer associates to devote the lion's share of their summer to virus-related pro bono legal projects.

The police killings of unarmed Black men and women compelled us to do much more—both urgently and consistently—to confront the scourge of racial bias and inequality. We created a new Racial Justice Committee of firm lawyers and professionals focused on promoting a more just society and diverse profession. As part of this effort, the firm donated to three organizations dedicated to racial justice and launched the Law Firm Antiracism Alliance as a founding member. Together with more than 250 law firms, O'Melveny is working to identify and dismantle structural racism in the law. In a victory for transparency, we collaborated with other major law firms to repeal New York's Section 50-a, which had allowed law enforcement agencies to shield police disciplinary records. And to keep the discussion of diversity, equity, and inclusion efforts front and center, O'Melveny co-created the new podcast series “It's Complicated,” which invited DE&I talent leaders, CEOs and chairs, general counsel, and board members to share their perspectives on these complex issues.

In the run-up to the US presidential election, O'Melveny lawyers and staff volunteered to work with the NAACP Legal Defense and Educational Fund on its voter-protection efforts, including monitoring social media and local news outlets in Georgia and Florida to expose voter intimidation, election misinformation, or any other suppressive measures. The firm also partnered with our client Humana to remotely staff the Election Protection national voter hotline, which helped voters navigate the voting process and respond to reports of problems. Altogether, more than 120 O'Melveny lawyers and staff participated in these initiatives to protect our democracy.

The ability of our talented teams to deliver for our clients and communities when they needed us most—all while working remotely—is a testament to our special firm culture, with its unmatched camaraderie and generous spirit. Those qualities helped us earn unprecedented back-to-back recognition as the top law firm to work for in *Vault's* annual associate satisfaction survey. The firm earned No. 1 scores in over a dozen of *Vault's* "Quality of Life" categories, including for our summer associate, diversity, and wellness programs. These high marks came on the heels of O'Melveny's No. 1 ranking on *The American Lawyer's* 2020 Midlevel Associates Survey, a measure of which firms have "done the best to deliver on the high-quality work, comfortable culture and other factors needed to keep associates happy."

Our efforts to attract, retain, and promote diverse talent continue to pay off, with incoming partner classes at least 50% diverse every year since 2016. Half the firm's department heads are lawyers of color and nearly three-quarters of US offices are headed by women or minorities. Our racial and gender diversity were major factors propelling us to the No. 3 spot on *AmLaw's* A-List, our ninth consecutive year on this prestigious ranking of the nation's most "well-rounded firms."

Growing to meet our clients' needs, we bolstered our strength in a range of practice areas, bringing in a number of lateral partners recognized for their work in M&A, corporate finance, real estate, data privacy, internet law and policy, securities litigation, and appellate matters.

While welcoming new partners, we also saw others answer the call of public service to assume key posts in the Biden Administration. We could not be prouder of our dear colleague Lisa Monaco, President Biden's nominee for Deputy Attorney General. If confirmed, Lisa will oversee the day-to-day operations of the DOJ's more than 110,000 employees and its US\$32 billion budget. Lisa joins two other former O'Melveny partners in the nation's capital at this crucial moment: White House Chief of Staff Ron Klain and Department of Homeland Security Secretary Ali Mayorkas. Together, they honor a great firm legacy of public service at the highest levels in both Democratic and Republican administrations.

Now that 2020 is behind us, our focus is on helping you achieve success this year and beyond. One way we're doing that is through [The Boardroom](#), an online resource featuring a changing array of interviews, videos, and alerts that address fundamental challenges confronting global corporations these days—from pandemics to data privacy to trade wars.

One of the most important lessons to draw from the past year is how much we depend on one another to overcome our most difficult challenges even when we're physically apart. Carrying that lesson into the new year, O'Melveny looks forward to all the good that we can accomplish together.

Be well and stay safe.



Bradley J. Butwin

Chair, O'Melveny & Myers LLP



Banking and Financial Services

Ranked nationally for banking and finance law—*US News & World Report/Best Lawyers'*

“Best Law Firms”

survey

BlackRock. Defeated certification of a massive class consisting of the participants in all retirement plans whose fiduciaries elected to invest in funds managed by BlackRock, the world’s largest investment manager. The Northern District of California held that class certification was impossible because BlackRock’s compensation terms are set forth in investment agreements that were individually negotiated with independent retirement plan fiduciaries.

Fidelity Management Trust Co. Secured victory when the District of Massachusetts dismissed a class action alleging that Fidelity is a fiduciary with respect to certain “infrastructure fees” that it receives from investment service providers that offer investments to defined contribution plans. The ruling is under appeal.

J.P. Morgan Chase & Co. Defended Chase in a False Claims Act *qui tam* suit concerning Chase’s participation in the US Treasury Department’s Home Affordable Modification Program (HAMP). Relators in this high-stakes suit in the Eastern District of Texas sought US\$430 million in damages. In July 2020, before the close of fact discovery, the O’Melveny team obtained a favorable settlement for Chase that is a small fraction of the amount sought by the relators.

Underwriting Syndicates. Defended several underwriting syndicates in securities class actions stemming from IPOs and secondary offerings. Highlights from 2020 include:

- Securing dismissal for a Morgan Stanley-led underwriting syndicate in a putative class action in the Southern District of New York alleging misrepresentations and omissions in IPO offering materials for Qudian, a Chinese online micro-lender backed by an Alibaba Group affiliate. And we secured a victory for a Morgan Stanley-led underwriting syndicate from multi-billion-dollar-plus securities class actions in California federal and state courts based on the IPO of Snap Inc., the maker of Snapchat; the parties reached a global settlement to resolve the federal and state-court actions, with the underwriters paying nothing.
- Defending a Goldman Sachs-led underwriting syndicate in securities actions in state and federal court in California concerning the IPO of Dropbox, Inc. The actions allege that the IPO offering materials contained misrepresentations and omissions about Dropbox’s ability to convert users of its free service to paid users. In October 2020, the Northern District of California dismissed an amended complaint with leave to amend. In December 2020, the state court dismissed the complaint based on a federal forum selection provision in Dropbox’s bylaws.

O’Melveny “has a particularly
**strong record defending
leading global financial
institutions**
in securities disputes”
—*US Legal 500*

Wells Fargo. Obtained dismissal with prejudice of a putative class action against Wells Fargo alleging violations of the Real Estate Settlement Procedures Act (RESPA) and New York state law. The court agreed with each of O’Melveny’s arguments and held that none of Wells Fargo’s alleged conduct in handling plaintiff’s loan-modification application was actionable under federal law. The court dismissed plaintiff’s state-law claims for lack of subject matter jurisdiction after the federal claims were dismissed.



Colleges and Universities

Over the past year, O'Melveny provided comprehensive legal support to our college and university clients, including counseling and policy advice, internal investigations, government investigations and proceedings, litigation, and communications management.

California State University. Secured dismissal of a putative class action against University Chancellor Timothy P. White and the Board of Trustees seeking to vacate all of CSU's decisions that resulted in severe sanctions, including suspension and expulsion, for students who were found responsible for engaging in sexual misconduct. Petitioner claimed, among other things, that class members had not received fair hearings when CSU adjudicated the sexual misconduct allegations against them. The court granted our motion to strike the class allegations and denied leave to amend, neutralizing the risk that hundreds of CSU's sexual misconduct decisions might be overturned in a single action.

Large Private University. Advised the university on pandemic-related crisis management, labor and employment issues, emergency declarations and shelter-in-place orders, force majeure and contractual obligations, and hospital patient data privacy. In connection with our representation, we developed an electronic database accessible to key university personnel to catalog new and existing federal, state, and local governmental orders affecting the university, as well as our analysis and recommendations on ways to respond.

University of California. Represented a syndicate of underwriters in the issuance of more than US\$2.6 billion in tax-exempt and taxable bonds for the University of California—one of the largest financings in the higher education sector since the pandemic began impacting universities. The offering consisted of three series of bonds that mature up to 2050 and will be used, among other things, for certain working capital purposes and to refinance and finance projects of the University of California throughout the 10-campus university system.

Occidental College. Secured the dismissal of a proposed class action alleging Occidental students are owed tuition and fee refunds for part of the Spring 2020 semester that was transitioned online in response to the COVID-19 pandemic. The Central District of California granted O'Melveny's motion to dismiss without leave to amend. This is one of the first complete dismissals of a COVID-related tuition-refund class action out of the more than 200 similar suits filed against colleges. It was also the first case in which a judge has held that the educational malpractice doctrine bars contract and tort claims challenging the move from in-person to online instruction.

University of California. On behalf of the Regents of the University of California system, conducted an independent investigation into UCLA's response to sexual misconduct allegations against five former UCLA physicians. The team interviewed current and former employees, reviewed a vast collection of documents, consulted clinical and administrative subject-matter experts, and worked closely with the Chair of the Regents, the UC President, the UCLA Chancellor and other UC leadership. O'Melveny, on behalf of a Special Committee of the Board of Regents, reported its factual findings and related policy and process recommendations to the Regents, who are applying the Committee's best-practices recommendations across the UC system. In June 2020, the Regents publicly released O'Melveny's report.

Harvard University. Won dismissal of a former student's suit alleging he was wrongly denied a diploma after he was found to have sexually assaulted several students. In rejecting the student's claims, the District of Massachusetts ruled that the investigation and the discipline imposed complied with the university's policies and procedures and with Massachusetts law.



Consumer and Retail Products

In 2020, O'Melveny represented top consumer brands in everything from litigation over the marketing of fast food taco meals to an M&A deal involving an outdoor goods retail chain.

ADT. Advised the residential and commercial security provider on its Supply, Distribution and Marketing Agreement. In 2020, ADT partnered with Google to create the next generation of smart, home-security offerings. The partnership combines ADT's installation, service, and professional monitoring network with award-winning Nest hardware and services, powered by Google's machine-learning technology. Google invested US\$450 million into ADT and both ADT and Google committed up to US\$150 million each for co-marketing, product development, technology and, employee training.

Apollo Global Management. Secured dismissal in a case with important implications for cashed-out shareholders seeking to hold company buyers liable for allegedly aiding and abetting breaches of fiduciary duties during a company sale process. O'Melveny defended a Delaware Chancery Court post-closing action alleging that Apollo aided and abetted fiduciary duty breaches by the board of directors of The Fresh Market in agreeing to sell the supermarket chain at an allegedly unfair price to Apollo funds.

Platinum Equity. Advised the private equity firm in its acquisition of cosmetics and consumer products giant L&R Distributors. O'Melveny provided tax guidance in connection with the acquisition. Platinum Equity purchased L&R from affiliates of the seller's founders. L&R operates three distribution sites across Arkansas, New Jersey, and California.

Skechers USA. Handled various disputes for Skechers in 2020, including:

- Securing dismissal of all claims (and many with prejudice) in a putative consumer class action case alleging that Skechers' light-up children's shoes contain a battery defect. In rejecting the individual plaintiff's efforts to allege consumer protection, contract, warranty, and unjust enrichment claims on behalf of all purchasers in the State of Illinois, the Central District of Illinois District Court adopted O'Melveny's arguments straight down the line, finding that claims predicated on plaintiff's son's feet allegedly having been "burned" by a defective low voltage, coin cell battery were an ill fit for her classwide economic damages theories.
- Obtaining dismissal of securities class action alleging that the company and three of its officers misled shareholders about the company's estimated timeline for achieving "leverage," i.e., bringing down the growth rate of expenses to the growth rate of sales. In throwing out the case, the Southern District of New York determined that statements made by management about achieving leverage were merely predictions and opinions about the future and did not amount to an actionable promise or guarantee.

O'Melveny litigators

**"work extremely hard and
are extremely smart"**

—Client quoted by *Chambers USA*

Sportsman's Warehouse. Advised the outdoor goods retail chain on its US\$800 million acquisition by the Great American Outdoors Group, parent company of Bass Pro Shops, Cabela's, White River Marine Group, and a collection of nature-based resorts. The retailer operates 112 stores while Bass Pro and Cabela's combined operate 169 stores.

Strava. Counseled fitness training tracker and social media platform Strava in multiple venture capital financings, including its most recent US\$110 million Series F financing led by TCV and Sequoia Capital. Dragoner Investment Group, Madrone Capital Partners, Jackson Square Ventures, and Go4itCapital also joined the round. The funding allows Strava to create more features and expand to better serve its customers, among other things.

YETI. Advised the high-end outdoor-products maker and certain of its pre-IPO stockholders on three underwritten secondary public offerings of YETI's common stock, generating proceeds in excess of US\$1 billion.

Taco Bell. Secured dismissal of a suit brought by a New Jersey couple who alleged that Taco Bell overcharged them on their purchase of two Chalupa Cravings Boxes. Taco Bell advertised the offer for US\$5 on television. The couple sued the quick service restaurant company after being charged US\$5.99 per box even though the ad contained a disclaimer stating the promotional price was valid "at participating locations for a limited time" and that "prices could vary." The couple argued that Taco Bell violated the New Jersey Consumer Fraud Act since the disclaimer language appeared in smaller font than the other language in the ad. But the district court sided with Taco Bell, stating that while the disclaimer font was indeed smaller, it was "nevertheless clear and conspicuous." Furthermore, the menu board that the couple had the opportunity to view at the time of ordering "plainly disclosed" that the Chalupa Cravings Boxes cost US\$5.99 each.

Chambers USA recommends O'Melveny for consumer class actions, with one client quoted referring to our

**"top-notch" lawyers
as "fantastic"**



Energy, Natural Resources, and Utilities

In 2020, energy sector clients turned to O'Melveny to defend water rights, counsel on the sale of a battery-energy-storage system, and advise on the financing and development of various renewable energy projects.

Ad Hoc Groups of Creditors. Counseled the unsecured noteholders of Bruin Energy in Bruin's prepackaged chapter 11 cases through which the noteholder group received a substantial minority equity position on account of out-of-the-money, unsecured claims.

Turnarounds & Workouts highlighted Bruin Energy's chapter 11 filing as one of 2020's most successful restructuring

Breakthrough Energy Ventures. Advised BEV on more than 15 venture capital financings in 2020, including a Series E investment in CarbonCure Technologies, a manufacturer of technology that introduces recycled CO2 into fresh concrete to reduce its carbon footprint.

Coso Geothermal Power Holdings. Advised Coso and its affiliates on the development and sale of a battery-energy-storage project in California to two investment funds established by Capital Dynamics.

Kern Cal Oil 7. Represented KCO in the renegotiation of several oil and gas operating joint ventures for properties in the Poso Oil Field in California.

O'Melveny has been instrumental in the development and financing of infrastructure projects across the US

Las Posas Farming Group. Representing a coalition of commercial agricultural landowners in Ventura County in the first basin-wide, comprehensive groundwater adjudication following the enactment of California's groundbreaking legislation, the Sustainable Groundwater Management Act. O'Melveny successfully negotiated a settlement of prescriptive-water-rights claims (various cities were claiming they owned our clients' water), an essential component of the first phase of the adjudication. Through aggressive discovery, we then compelled two public agencies who had objected to the settlement (and its important fixing of a "sustainable yield" figure in the basin at 36,000 acre feet per year) to join the settlement as well. In contested Phase 1 trial proceedings, we then saved the settlement from objections by a recalcitrant group of landowners who tried to re-cut the deal. After this important Phase 1 win, we are now steering the case toward a comprehensive settlement to resolve the remaining issues in the case. The outcome of this unprecedented case—the first of an impending wave of basin-wide comprehensive groundwater adjudications under SGMA—will have far-reaching implications not only on future water-rights litigation, but also on how water is used, divided, and preserved across California for decades.

Syndicates and Other Investors. Advised syndicates and other investors on several renewable energy and other energy-related deals, among them:

- Goldman, Sachs & Co. in its preferred equity investment in, and project financing of, a 75 MW portfolio of solar installations in various US states being developed by Duke Energy Renewables. The proceeds of the investment will be used for the construction of projects in Arizona, California, Colorado, Hawaii, Massachusetts, and Texas.

- Citicorp North America in its equity investment in, and project financing of, the 242 MW Scioto Ridge wind-power project in Hardin and Logan Counties in Ohio, as well as Citi's project financing for the construction of the Mountain Breeze wind project, a 189 MW energy facility in Colorado.
- First State Investments in its acquisition of a 49% equity stake in the Rialto Bioenergy Facility, a 13 MW waste-to-energy project located 50 miles east of Los Angeles.
- Mitsui on its investment in LanzaJet, a new company that will produce and sell sustainable aviation fuels. LanzaJet is a spin-out from LanzaTech, which has spent the last 15 years developing technologies that can turn carbon emissions into ethanol suitable for chemical and fuel uses.

Project Finance Practice Group of the Year:
3-time winner—*Law360*



Entertainment and Media

Entertainment and Media Practice Group of the Year: 7-time winner

—Law360

21st Century Fox. Prevailed in a second appeal to the Ninth Circuit of the lower court's dismissal of copyright claims relating to the hit television show *Empire*. The appellate court affirmed a lower court ruling that any similarities between the *Empire* series and a treatment for an unproduced music-industry-set TV show called *King Solomon* were unprotectable "ideas and concepts, material in the public domain, and scènes à faire."

Named a finalist for
the top firm for copyright law
in *Managing Intellectual Property's*
"Americas Awards 2020"

Global Music Rights. Representing GMR—an innovative startup advocating for composers such as Bruno Mars and Smokey Robinson—against a coalition of 10,000 radio stations in the most significant music antitrust lawsuit in a generation. The Radio Music Licensing Committee (RMLC) sued GMR in Pennsylvania, claiming the tiny upstart is a monopolist trying to extract "supracompetitive" license fees. GMR fought back, filing its own antitrust lawsuit against the RMLC in California, alleging that the "radio cartel," which represents 90% of the terrestrial radio market, is a monopsonist that openly uses its gargantuan group buying power to extract under-market license fees. O'Melveny successfully dismissed the RMLC's Pennsylvania lawsuit and the parties are now litigating the case in the Central District of California, where the US Department of Justice's antitrust division filed a brief in support of GMR, reaffirming its legal position in its lawsuit against the RMLC.

Hulu. Achieved a complete victory for Hulu in defense of a patent infringement case brought by Sound View Innovations. The complaint originally asserted six patents alleged to cover broad and fundamental aspects of database management techniques and methods of streaming multimedia data. An aggressive litigation strategy paid dividends early on, with Sound View agreeing in 2018 to voluntarily dismiss its claims as to one of the patents after Hulu provided clear evidence of non-infringement, and as to another patent after it was invalidated at the PTAB. Sound View's pretrial expert submissions still claimed over US\$130 million in past damages on the other four patents. Following lengthy discovery, Hulu filed a series of successful motions for summary judgment of both invalidity and non-infringement. The district court dismissed all asserted claims of the last remaining patent in October 2020.

Library Pictures International. Counseled Los Angeles-based LPI, a joint venture between Creative Artists Agency and Legendary Pictures, on a multi-year, multi-picture co-financing deal with South Korean studio giant CJ Entertainment. Library Pictures will finance up to 50% of the budget of CJ's various local-language film productions in Indonesia, Vietnam, and Turkey. CJ is best known in Hollywood as the producer of Bong Joon-ho's multi-Oscar winner *Parasite*.

Madison Square Garden Co. Advised on the US\$400 million sale of the Forum—an iconic entertainment venue once home to the NBA's Los Angeles Lakers—to Capss, an entity backed by the owners of league rival Los Angeles Clippers. The sale also resolved litigation between MSG and the owner of the Clippers regarding a proposed new arena to be constructed near the Forum.

Paramount Pictures. Counseled the Hollywood studio in a co-financing deal with New Republic Pictures for 10 films, including some of Hollywood’s most highly anticipated tent pole projects. The headline-making deal includes two films starring legendary leading man Tom Cruise: *Mission: Impossible 7*—the latest installment of the multi-billion dollar Mission: Impossible franchise, as well as *Top Gun: Maverick*—the long-awaited sequel to the 1986 film that propelled Cruise’s career into the box office stratosphere. The deal also includes *Transformers 7*—the latest installment of the multi-billion-dollar franchise based on the popular Hasbro toy line, and *Clifford the Big Red Dog*—the first-ever live-action film based on the classic children’s book series originally published in 1963.

Spyglass Media Group. Advised Spyglass on the formation of a comedy film joint venture with Propagate Content, Artists First, and Off-Road Productions. The new venture, known as Artists Road, will develop, finance, and produce mid-budget feature comedies with marquee talent for worldwide distribution.

Standard Amusements. Representing Standard Amusements in its chapter 11 cases. Standard filed for chapter 11 to prevent Westchester County from terminating its management agreement to operate historic Rye Playland. In late 2020, after largely prevailing over the county in litigation and 10 months of negotiations, O’Melveny obtained confirmation of a reorganization plan that resolves the disputes with the county and paves the way for Standard to take over operations of Rye Playland in December 2021.

**12 partners—
both dealmakers and litigators—
named to
Variety’s prestigious
“Legal Impact Report”**



Among the first top-tier law firms to establish a dedicated fintech practice, O'Melveny's client base includes various startups, established businesses, investors, and lenders that draw upon our deep sector expertise and experience dealing with related regulatory bodies.

Fintech Practice Group of the Year —*Law360*

Access Industries. Counseled Access Industries on the Series F financing of Chime Financial, a round that valued the mobile banking innovator at nearly US\$15 billion.

Bitcoin.com. In the first antitrust case involving cryptocurrency, won a significant victory for digital wallet and mining pool operator Bitcoin.com, cryptocurrency pioneer Roger Ver, and individual cryptocurrency software developers. In granting dismissal of the original complaint, the Southern District of Florida rejected plaintiff UnitedCorp.'s allegations that defendants conspired to "hijack" a cryptocurrency fork, instead agreeing with O'Melveny that the fork birthed rival cryptocurrencies and therefore increased rather than stifled competition. A second motion to dismiss plaintiff's amended complaint is currently pending. Marathon oral arguments for each motion stretched for more than five hours.

Secured a dismissal in the first cryptocurrency antitrust case

Crypto Rating Council. Advised the CRC, an association of leading crypto companies, in its establishment and the development of a pioneering evaluation and rating system for cryptocurrencies. The new ratings system aims to provide crypto industry members with a more standardized framework to assess whether a digital asset is more or less likely to be viewed as an investment contract under US federal securities laws.

Shaping the digital asset ecosystem

LendingClub. Secured a favorable settlement with the Attorney General of Massachusetts for LendingClub, which operates one of the largest online lending marketplaces in the US. O'Melveny reached a favorable settlement in which the AGO agreed not to institute any civil action in exchange for LendingClub paying the AGO for its investigative costs without admitting any liability.

Yeahka. Advised the Chinese online payments platform on its US\$244 million Hong Kong IPO. Yeahka supports mobile payments from over 500 e-wallet providers. It targets primarily small and micro-merchants that receive mobile payment from multiple, bank-card issuers and e-wallet providers through its software and fintech services.

Chambers recommends

**O'Melveny's "high-quality"
fintech practice,
with clients praising the firm's willingness
to journey
"into unknown territory"**



Government

O'Melveny served as a trusted advisor to governments in 2020, drawing on a team of lawyers with extensive government experience, in-depth knowledge of regulatory practices, and creative approaches to investigations.

County of Los Angeles. Advised the county on legal issues related to COVID-19's effect on undocumented immigrants and participated in litigation to help protect and defend immigrants from the pandemic's detrimental impacts. Examples of our work include litigation challenging provisions of the CARES Act that excluded most families with mixed immigration statuses from receiving individual rebates and that denied many immigrant students access to emergency relief funds. We also served as co-counsel in litigation that sought to enjoin during the pandemic the revised DHS "public charge rule," which significantly expanded the circumstances under which individuals could be denied permanent residency if they accessed basic public services.

Puerto Rico. Continuing to advise Puerto Rico on the biggest government bankruptcy in US history. Highlights from 2020 include:

- Successfully opposing a creditor's suit in the US Supreme Court alleging that President Obama violated the Constitution's Appointments Clause in making appointments to Puerto Rico's financial oversight board, which threatened to nullify much of the work the board has done to help restructure debt and bring about other reforms.
- Assisting the Government in navigating the complex process of developing and certifying a fiscal plan for the Commonwealth and its instrumentalities. The fiscal plan provides a blueprint of the reforms and fiscal measures that will give Puerto Ricans an effective and efficient public sector and put Puerto Rico on the path to achieving fiscal responsibility and regaining access to the capital markets.
- Defending the Puerto Rico Fiscal Agency & Financial Advisory Authority in an adversary proceeding filed by the American Federation of Teachers in the Commonwealth Title III case.

State of California. Represented the State of California in the following matters:

- Facing more than US\$30 billion in liabilities from two seasons of catastrophic wildfires, Pacific Gas & Electric filed for bankruptcy for a second time—posing serious economic, environmental, and public safety threats to the State of California. An O'Melveny team hired by California's governor devised a groundbreaking legislative and regulatory strategy that gave California control over PG&E's bankruptcy exit. It included setting up a US\$21 billion fund to help PG&E resolve its liabilities—along with a set of strict conditions for accessing it. As a result, PG&E successfully emerged from bankruptcy in July 2020 with a plan that put the needs of California and its citizens front and center.
- When the state found itself facing a pandemic, California's governor turned to O'Melveny to help respond to the fast-growing, public-health crisis. First, a team of O'Melveny lawyers executed two complex transactions to quickly expand the state's healthcare infrastructure to treat COVID-19 patients, acquiring two hospitals from the Verity Health Systems bankruptcy. Then, the O'Melveny team represented the state in an innovative agreement with the Motel 6 chain that will provide as many as 5,000 rooms to house the homeless during the pandemic. The agreement is part of the California Project Roomkey, which has made 10,974 hotel and motel rooms statewide available for the homeless to promote social distancing, protect the medically vulnerable, and slow the spread of the virus.

“Meeting the moment’: O’Melveny resuscitates hospitals”—*Daily Journal*



Health Care

With a team that understands both the law and the business of health care, O'Melveny helped industry clients achieve a wide range of goals—from assisting one of the largest health insurers recover US\$2 billion in unpaid risk corridors payments related to the Affordable Care Act (ACA) to representing an operator of a chain of assisted-living communities in congressional inquiries on the impact of COVID-19 on residents.

Ad Hoc Group of Creditors. Counseled the first-lien lenders to gym chain 24 Hour Fitness in the financial restructuring of over US\$1.2 billion of funded debt through which the group became majority owners of the reorganized company.

Allomer Capital Group. Advised the private investment firm on its acquisition of an 82% ownership interest in Innovation Associates, which provides pharmaceutical automation technology and software solutions, including high-precision robotic counting and dispensing equipment and workflow software. In addition to Allomer's acquisition, O'Melveny also counseled Innovation Associates on an amendment to its existing credit facility with M&T Bank, including the issuance of a US\$20 million revolving line note.

Health Care Service Corp. Represented HCSC against the federal government before the Federal Court of Claims, resulting in a US\$2 billion award for HCSC for unpaid, risk-corridors payments related to the Affordable Care Act (ACA). The risk-corridors scheme was a federal program in effect from 2014 to 2016 and was designed to offset health insurer losses from policies offered on ACA health exchanges. The Supreme Court in April 2020 ruled that the federal government had an obligation to compensate insurers under the terms of the scheme. Prior to the Supreme Court's ruling, HCSC, the parent company of several Blue Cross and Blue Shield plans, filed a lawsuit to recover compensation due under the program. The Supreme Court's ruling paved the way for HCSC to win its case before the Court of Federal Claims, obtaining a US\$2 billion judgment from the court.

Health Insurers. Serving as lead counsel for most of the leading health insurers in the Medicare Advantage program in disputes whose resolution will impact the structure and long-term stability of a government health insurance program that provides health care to more than 20 million Americans.

Humana. Defending Humana in a qui tam False Claims Act lawsuit and a parallel investigation by the US Department of Justice concerning the insurer's flagship Medicare Part D Prescription Drug Plan. O'Melveny represented Humana throughout the DOJ's investigation, and after a lengthy inquiry, the Department declined to intervene in the action.

O'Melveny

**“has a strong record
in defending companies
against kickback and
misbranding claims,
state Attorneys General
actions, and alleged
False Claims Act violations”**

—US Legal 500

Operator of Senior Living Communities. Representing an operator of a chain of assisted-living communities in congressional inquiries by the US House of Representatives Oversight Committee and Senators Elizabeth Warren and Ed Markey into the potential impact of COVID-19 on, and infection prevention measures being taken at, senior living facilities across the United States.

In recommending O'Melveny for white-collar crime and government investigations, Chambers USA quotes a source stating:

“They’re my all-purpose go-to. I stick with them because their talent is so good.”

UnitedHealth. Secured two victories against class actions challenging UnitedHealth’s payment of a royalty to AARP in connection with its AARP-branded Medicare supplemental insurance policies, also known as “Medigap” insurance. In *Freidman v. AARP*, O'Melveny won a comprehensive motion to dismiss that plaintiffs declined to appeal. In *Dane v. UnitedHealthcare*, the Second Circuit affirmed an earlier dismissal rejecting plaintiffs’ claims that the payment constituted an unlawful premium rebate and denying plaintiffs’ attempt to recover a portion of their insurance premium payments.



Industrials and Manufacturing

Over the past year, O'Melveny guided industrial and manufacturing clients through some of their most pressing legal matters, from advising a US-based wire and cable distributor in its sale to a UK company to providing US antitrust counseling to a Norwegian aluminum and renewable energy company.

Fabri Cote. Advised family-owned manufacturer of rubber-coated fabrics in its acquisition by Fenner Precision Polymers, a division of the Michelin Group. The deal expands Fenner's coated fabric and technical textile portfolio.

Norsk Hydro. Provided US antitrust counseling to Norsk Hydro, a Norwegian aluminum and renewable energy company, regarding its long-term supply agreement.

Windy City Wire Cable & Technology Products. Advised the US-based wire and cable distributor in its sale to Diploma, a UK company that provides industrial seals, gaskets, specialized wiring and cabling. The deal enhances Diploma's presence in the US.

Completed 175 cross-border transactions
with an aggregate deal value of
US\$55 billion

Remington Outdoor Co. Counseled Remington and its debtor subsidiaries concerning their chapter 11 bankruptcy cases in the Northern District of Alabama. After Remington's pre-petition buyer declined to move forward, the company filed for bankruptcy protection and initiated a 60-day sale process. Remington secured a new stalking-horse bidder shortly before its scheduled auction, and then tripled the cash sale value to approximately US\$160 million at a subsequent virtual Zoom auction that lasted seven days and included multiple bid groups assembled during the process. In addition to the cash proceeds, Remington retained its owned real estate, accounts receivable, and other valuable assets. The company was divided among four primary buyers, preserving going concern value for the bulk of its operations. In addition to maximizing value, the transactions preserved jobs. The result of the auction was actively supported by Remington's three tranches of secured debt, its Official Committee of Unsecured Creditors, and its labor union. Remington is now working on a consensual chapter 11 plan with its primary creditor constituents.



Top-Ranked Insurance Law Practice: 8 Years Running

—US News and World Report/Best Lawyers “Best Law Firms” Survey

Allied World Assurance Co. Persuaded the Kentucky Court of Appeals to reverse a summary judgment ruling requiring Allied World to cover a hospital’s costs of defending against a host of lawsuits alleging that the hospital and its doctors misrepresented patients’ heart disease to justify unnecessary cardiac procedures. The reversal eliminated Allied World’s exposure to up to US\$10 million in policy coverage. O’Melveny successfully argued on appeal that the lawsuits fell within a policy exclusion barring coverage for any claim involving facts, matters, or events already reported under a prior policy of insurance.

Insurance Practice Group of the Year —Law360

Chubb. Successfully represented Chubb and its affiliates in various disputes in 2020, including:

- Leading the defense on an important issue to Chubb and the entire insurance industry: the wave of coverage litigation stemming from the COVID-19 pandemic. Chubb has retained O’Melveny to lead multiple class actions and individual cases, brought largely by restaurants, hotels, and retailers, seeking coverage for alleged losses arising from the array of governmental “stay at home” orders aimed at slowing the spread of the virus. These cases raise first-party property coverage issues that are among the most publicized facing the insurance industry today. Among the 2020 highlights, O’Melveny:

- Took a lead role in proceedings before the Judicial Panel on Multidistrict Litigation, challenging efforts by various plaintiffs to centralize hundreds of actions against multiple insurers. On behalf of most insurers opposing consolidation, O’Melveny argued—and the JPML agreed—that a single nationwide proceeding for different claims under different policies against different insurers based on different theories of coverage in response to different “stay at home” orders issued by different governmental authorities would create a “nightmare.” The JPML not only denied industry-wide centralization but also the creation of an insurer-specific MDL for Chubb. In describing O’Melveny’s result, *Reuters* noted: “The insurance industry dodged what could have been one of the most consequential MDLs in US litigation history.”
- Stepping in as trial counsel just a few months before trial in an interpleader insurance coverage action in the Central District of California. Plaintiff—a law firm whose shareholders and employees had been hit with multiple malpractice suits that exceeded the available insurance—settled on terms favorable to Chubb after reviewing O’Melveny’s draft summary judgment motion, which highlighted the many steps our client took to treat all of its insureds fairly, and not favor one group of the firm’s lawyers over another.

With O’Melveny as lead counsel,

“[t]he insurance industry dodged what could have been one of the most consequential MDLs in US litigation history”

—Reuters

TIG Insurance Co. Representing TIG in ongoing coverage disputes with Montrose Chemical arising from claims against Montrose due to Montrose’s manufacture and distribution of DDT, including Montrose’s indemnity claims arising from contamination of the Los Angeles Harbor. The firm has represented insurers in various aspects of these disputes for two decades, including multiple cases before the California Supreme Court and Court of Appeal.

O’Melveny is without peer in representing insurers and reinsurers in high-profile appeals to state and federal appellate courts—cases that have shaped the development of insurance law in the United States

The insurance group’s “particular strengths”
include major bankruptcy, environmental, and mass tort coverage actions,

according to *US Legal 500*, while *Chambers USA* also notes the firm’s handling of significant transactional and regulatory matters



Investment Funds and Private Equity

In 2020, O’Melveny advised clients on all the legal issues that impact funds, including regulatory, tax, and corporate/partnership matters, and continued to counsel on innovative and complex transactions with investment assets around the world.

Diversis Capital. Counseled the Los Angeles private equity firm on its acquisition of Australian-based Retail Finance Intelligence, which specializes in data and information gathering, customer-based insight generation, and business decision support for the financial services industry, and its sale of Chicago-based ArrowStream, a provider of supply-chain-management software for the food service industry.

GIC. Advised GIC, Singapore’s sovereign wealth fund, on the tax aspects of several private equity and real estate/ infrastructure fund investments and related co-investments, including in BC Partners, Cinven, Exeter Europe, Gateway, Gaw Capital, Invesco, Macquarie, Partners Group Direct Equity 2019, and TDR Capital.

Mantis Capital Management. Represented Mantis in the formation of a new venture-capital fund and the fund’s investments. Mantis is an early-stage technology investment firm focused on consumer, SaaS, fintech, and other emerging technologies founded by venture capital managers Milan Koch and Jeffrey Evans in partnership with Alex Pall and Drew Taggart, also known as The Chainsmokers. The Chainsmokers are one of today’s most successful music acts, having won numerous awards including Grammys, American Music Awards, Billboard Music Awards, and iHeartRadio Music Awards. Their music has streamed over 60 billion times.

MHR Fund Management. Advised the private equity firm in several transactions in 2020, including:

- Counseling MHR on its sale of Emisphere Technologies to Novo Nordisk for US\$1.35 billion, and in the concurrent sale of a royalty stream relating to Emisphere’s proprietary drug delivery technology to Novo Nordisk for US\$450 million.
- Advising MHR, as holder of 16% of equity of Navistar, in the US\$4.45 billion merger of Navistar with Traton SE.
- Representing MHR, the largest stockholder of Nasdaq-listed Loral Space & Communications, in connection with its entry into agreements with Public Sector Pension Investment Board (PSP Investments) and Telesat Canada (Telesat) to combine Loral and Telesat into a new Canadian public company, New Telesat.

250
global M&A
transactions closed
in 2020, with an
aggregate deal
value of nearly
US\$90 billion

Skyview Capital. Counseled Skyview on its acquisition of Fidelis Cybersecurity, a provider of threat detection and response solutions.

Ranked nationally for private funds/hedge funds law—*US News & World Report*/ Best Lawyers’ “Best Law Firms” Survey



Life Sciences

O'Melveny's life sciences industry group "handles the full range of work for pharmaceutical, medical devices and diagnostics companies"—*US Legal 500*

Agilent Technologies. Obtained a US\$22.5 million landmark settlement in a trade secrets case against Twist Bioscience. Reached on the eve of a court hearing five different motions for summary adjudication, the settlement amount represents more than 25% of Twist's total anticipated annual earnings. The settlement came more than six years after Agilent first approached O'Melveny about protecting their key technology—Agilent's industry-leading trade-secret processes for creating DNA in a laboratory using inkjet technology. Over the course of the highly contentious litigation, O'Melveny took on four top defense firms.

O'Melveny took on four top defense firms in contentious trade secrets litigation

Cyanotech. Achieved a complete victory for the board of directors of Cyanotech, a Hawaii-based manufacturer of microalgae-based health supplements, when the District of Hawaii dismissed with prejudice all claims brought against them in a shareholder derivative suit. The suit was the latest challenge brought by activist investor Meridian OHC Partners. Years earlier, after Meridian had complained to Cyanotech's board that the chairman had mismanaged the company, an independent committee—represented by O'Melveny—was formed to investigate Meridian's allegations and found no wrongdoing. This time, barely a month after oral argument, the district court threw out the case. Meridian did not bother to appeal.

O'Melveny "demonstrates robust capabilities in public and private issuances of debt and convertible notes, medium-term note programs and exchange offers"—*US Legal 500*

Johnson & Johnson. Continuing to serve as lead litigation and national coordinating counsel in massive opioid litigation. More than 3,000+ opioid-related lawsuits are pending in a federal multidistrict litigation and state courts throughout the country. Recent successes include securing dismissal with prejudice of all RICO claims against Johnson & Johnson in the San Francisco opioids action and persuading the California Court of Appeal to reject attempted "judge shopping" by dozens of California counties and cities.

The American Lawyer ranked O'Melveny **second in the nation in its coveted "Litigation Department of the Year" contest**

One of only two firms to have been singled out for recognition—

as a winner, runner-up, finalist, or honorable mention recipient

—every year since the competition began nearly two decades ago

Glaukos. Counseled the medical device and pharma biotech company on its private placement of US\$250 million aggregate principal amount of 2.75% Convertible Senior Notes due 2027. Glaukos intends to use the net proceeds from the offering to pay the approximately US\$31 million cost of the capped call transactions with certain financial institutions in order to limit potential dilution from the Notes' offering. The remainder of the proceeds is intended for working capital and general corporate purposes.

Nkarta. Advised the US-based cancer therapy maker Nkarta in its US\$290 million IPO Nasdaq listing. Nkarta is developing two lead products designed to detect and kill cancerous cells.

Onyx Therapeutics (an Amgen company). Achieved a bench trial victory against Indian generic drugmaker Cipla in a patent dispute over client Onyx’s injectable anti-cancer drug Kyprolis®. Onyx originally sued 11 generic pharmaceutical companies that sought FDA approval to market generic versions of Kyprolis®—a nearly \$1 billion/year cancer (multiple myeloma) drug—prior to the expiration of Onyx’s nine patents covering the drug. Over the course of the case, almost every defendant either settled out on the strength of our case or dropped their patent challenge entirely. In the Cipla case, nearly a year after the conclusion of a seven-day bench trial in Delaware federal court, Chief US District Judge Leonard P. Stark found in favor of Onyx by upholding the validity of the patents-at-issue.

IP practice noted for its “excellent client service” and work product that is “timely and very well done” —*Chambers USA*

World’s largest biopharma primary listing and IPO of 2020

RemeGen. Counseled the biopharma company on its US\$588 million Hong Kong IPO—the world’s largest biotech primary listing and IPO of 2020. O’Melveny advised RemeGen on both Hong Kong and US law. RemeGen is focused on discovering and developing a new generation of targeted therapies that advance treatments for cancer, eye, and autoimmune diseases.

Named *FinanceAsia’s*
“Megatrend Deal of the Year” for Healthcare

Samsung Bioepis. Won dismissal in the first antitrust “reverse-payment” case involving biologics and biosimilars. At the core of this cutting-edge case were allegations that Bioepis and other pharmaceutical companies agreed to delay the launch of biosimilar versions of Humira—a US\$50 billion per year biologic product—allowing its manufacturer to artificially maintain a monopoly over this category of drugs. In recognition of our successful work, *AmLaw* Litigation Daily selected our O’Melveny team as a runner-up for Litigator of the Week on June 12.

Sundia Meditech Group. Advised Sundia in its sale to Advent International Corp. The biotech combination forms one of the largest contract research, development, and manufacturing organizations (CRDMOs) with operations in China and the US. The new company, which will operate as BioDuro-Sundia, focuses on early-stage drug discovery and development for biotech and pharmaceutical companies around the world.

China offices top ranked for corporate/M&A —*Chambers Global*

Urovant Sciences. Advised the special committee of Urovant’s Board of Directors on its acquisition by its largest shareholder, Sumitovant Biopharma, for about US\$681 million. Urovant’s leading product is vibegron, an oral, once-daily treatment for overactive bladder.

Viva Biotech. Advised Hong Kong-listed Viva Biotech on its acquisition of an 80% stake in Zhejiang Langhua Pharmaceutical for US\$387.3 million in an all-cash transaction with a total valuation of US\$484.1 million. Based in China, Zhejiang is an integrated and comprehensive drug R&D and manufacturing company. Its acquisition, one of the largest of an HK-listed biotech company in 2020, reflects the growing importance and increased demand for Contract Development and Manufacturing Organizations (CDMOs) in China. O’Melveny had previously represented Viva in its approximately US\$194 million Hong Kong IPO and its subsequent placement of 130 million shares, raising US\$135.4 million.



Real Estate and Homebuilding

O'Melveny's real estate successes last year included securing hard-fought victories for an investment management firm in securities litigation, advising on the refinancing of a landmark Los Angeles office building, and counseling on commercial mortgage-backed securities loans.

Apollo Global Management. Conducted environmental and regulatory diligence and documentation review in support of a partnership agreement with the Abu Dhabi National Oil Company (ADNOC) to share in the rental income stream from a diverse portfolio of regional infrastructure, commercial, and residential assets valued at US\$5.5 billion.

Brookfield Properties. Advised Brookfield Properties on the US\$305 million refinancing of the landmark Ernst & Young Plaza, a 41-story, 940,000-square-foot office tower in downtown Los Angeles.

Refinancing of landmark office tower

Century 21 Real Estate. Obtained dismissal with prejudice of a statewide representative action brought on behalf of real estate agents who alleged that they were misclassified under California law as independent contractors rather than employees.

Special expertise in wage-and-hour cases—*US Legal 500*

Colony Capital. A global real estate and investment management firm, Colony reported in March 2018 lower-than-anticipated financial results and announced a reduction in its projected 2018 dividends, triggering securities-fraud class action and stockholder derivative litigation in the Central District of California, the Los Angeles Superior Court, and the District of Maryland. O'Melveny, representing Colony and its directors and officers, convinced courts to dismiss the securities-fraud cases in February 2020, and the derivative cases were dropped soon after.

JDM Partners. Advised JDM on the origination of a commercial mortgage-backed securities loan secured by a United Services Automobile Association-occupied single-tenant property.

Leighton Contractors (Asia).

Represented Leighton in Hong Kong's largest and highest-profile litigation, a dispute over construction of the US\$10 billion Shatin-Central rail link. Leighton is the main contractor for a key section of the project. A Hong Kong commission of inquiry investigating alleged construction defects reached favorable findings for Leighton, determining that the structures at issue satisfy safety standards and serve their purpose.

Hong Kong's
longest running
Commission of
Inquiry

Lennar. Scored another victory for Lennar in long-running litigation against a San Diego land developer named Nick Marsch. Over the past 15 years, we have defeated Marsch in every case, literally from coast (San Diego) to coast (Miami). In December 2020, we prevailed once again when the Third Circuit affirmed a lower court's decision dismissing a lawsuit brought by a mysterious Wyoming company created by Marsch named Citizens Against Corporate Crime (Citizens). Citizens had filed a US\$1 billion qui tam action against Lennar accusing the company of fraud and fraudulent conveyances in connection with a bankruptcy that occurred a decade ago. Lennar argued that Citizens was really Marsch and Marsch was barred from advancing these claims based on the prior bankruptcy and its discharge orders. The bankruptcy court, the district court, and the Third Circuit accepted each of Lennar's arguments and ordered the case dismissed.

Protea Waterfront Development. Representing Protea in the US\$1.5 billion redevelopment of the Seaport District in San Diego, including various financings, joint ventures, and developments of waterfront assets.

The Macerich Company and Pennsylvania Real Estate Investment Trust. Represented a joint venture between Macerich and PREIT in the restructuring of a US\$301 million loan secured by the Fashion District of Philadelphia, a mixed-use retail, condo, and office project in Philadelphia's City Center.

O'Melveny is

“more responsive and understands our company and industry better than others I have recently dealt with”

—Client feedback, *Chambers USA*



In 2020, O'Melveny "snapped up work despite a tough environment for sports deals ..."
—*Bloomberg Law*

Angel City. Secured expansion rights to launch a National Women's Soccer League (NWSL) team in Los Angeles in 2022. Known as the Angel City Football Club, the team became the 11th franchise in the NWSL. The majority female-led ownership group includes actress Natalie Portman, Reddit founder and venture capitalist Alexis Ohanian, and former members of the US women's national soccer team, including Mia Hamm, Amby Wambach, and Julie Foudy. Working side-by-side with co-founder Julie Uhrman, O'Melveny represented the team in negotiations with the NWSL, as well in connection with the team's initial equity financing, a stadium deal with LAFC to play its home games at Banc of America Stadium, and initial sponsorship deals, including with Heineken. O'Melveny is continuing to represent the team in connection with various corporate, equity financing, intellectual property, and commercial matters.

Majority female-led ownership group

Envy Gaming. Advised the esports organization in the sale of an equity interest to music superstar and video gamer Post Malone. He grew up in North Texas, where Envy Gaming and its esports teams—the Dallas Fuel, the Dallas Empire and Team Envy—are based. Envy Gaming competes, streams, and produces content across multiple titles, including *Call of Duty*, *Halo*, *Overwatch*, *Rocket League*, *Super Smash Bros*, and *Valorant*.

Kansas City Royals. Advised the Major League Baseball team on a new multi-year media rights agreement with Sinclair Broadcast Group. The deal allows FOX Sports Kansas City to continue to serve as the television home of the Royals. As part of the deal, the Royals obtained an equity position in the Sinclair-owned regional sports network.

NBA star Kevin Durant. Advised Durant on the purchase of a 5% ownership stake in Major League Soccer's Philadelphia Union, with the option to purchase an additional 5% interest. The deal involves more than simply a passive ownership stake. It includes capturing new marketing opportunities through a collaboration between the Union and Thirty Five Ventures, an umbrella company encompassing Durant's business and philanthropic ventures, as well as expanding the team's community outreach in conjunction with the Kevin Durant Charity Foundation.

Rawlings Sporting Goods. Advised Rawlings on its acquisition of baseball and softball equipment provider Easton Diamond Sports. The combined business creates a leading provider of gloves, batting helmets, bats, and other items.

Panthers Stadium. Counseled David Tepper, the owner of the National Football League's Carolina Panthers, in the financing and development of a multi-billion dollar mixed-use project in Rock Hill, South Carolina that will house the team's new headquarters along with a US\$700 million state-of-the-art practice facility. The project obtained city, county, state, and federal subsidies for infrastructure and construction. O'Melveny negotiated the public/private partnership, assisted with the structuring of the financing, and continues to provide strategic counsel on plans to build hotels, restaurants, and other attractions on site.

Advised
NFL owner on
state-of-the-art
practice
facility

The Friedkin Group. Represented the business consortium in its US\$716 million acquisition of a controlling stake in the Italian professional football club AS Roma, winner of three Serie A league championships.

“The Friedkin Group represents a huge opportunity for Roma”—*Forbes*

O’Melveny

“has solid coverage across a range of sports,

with notable recent mandates coming from clients involved in soccer, ice hockey, and baseball, as well as esports”

—*US Legal 500*



Telecommunications and Technology

O'Melveny was active in the telecommunications and technology sectors in 2020, representing lead antitrust scholars in one of the most important monopolization cases in decades, achieving favorable outcomes in patent and breach-of-contract disputes, and counseling on complex financings and M&A deals.

Avago Technologies (Broadcom's parent company).

Prevailed in a complex, cross-border executive compensation dispute when the California Court of Appeal issued a published decision affirming in full a trial court's grant of summary judgment in favor of Avago. The legal arguments in the dispute—involving Avago's right to repurchase vested stock and cancel unvested stock options from a long-time executive of an Avago subsidiary employed in Malaysia who prevailed on a claim of unfair dismissal in Malaysian courts—required application of Singapore, Malaysian, UK, and US law.

**US\$1.92 billion
Hong Kong
secondary listing**

GDS Holdings. Represented the sponsors and underwriters in the US\$1.92 billion Hong Kong secondary listing of GDS, a China-based data center service provider. GDS is part of a growing cohort of US-listed Chinese firms looking to sell shares in Hong Kong as part of efforts to expand the investor base.

HID Global. Advised US-based HID in its acquisition of Access-IS, a UK technology company that makes miniaturized reading devices used for everything from barcode reading and image processing to mobile ticketing services. The complex deal was completed on an abbreviated timeline and involved a diverse group of sellers. The acquisition, one of several O'Melveny has advised on for HID in recent years, broadens its technology portfolio and adds to its integrated digitized solutions.

Leading Antitrust Scholars. Filed an amicus brief in *FTC v. Qualcomm* (9th Cir. 19-16122), a monopolization case widely recognized as one of the most important antitrust cases since the DC Circuit's landmark decision in *United States v. Microsoft*. Submitted on behalf of 46 of the nation's leading law and economics professors, the brief argues that a Ninth Circuit panel ruling reversing the Federal Trade Commission's win against Qualcomm breaks from decades of settled antitrust precedent and should be revisited *en banc*; the signatories are the nation's leading antitrust scholars, including Herbert Hovenkamp, Doug Melamed, Steve Salop, Mark Lemley, and Rich Gilbert. The case touches on various aspects of Qualcomm's business practices, including its policy of declining to sell modem chips to customers unless they agree to take a separate license to its standard-essential patents (SEPs), and Qualcomm's refusal to offer SEP licenses to its rivals.

Finalist in *The National Law Journal's* "DC Litigation Department of the Year" contest

Menlo Microsystems. Counseled the startup, responsible for re-inventing the electronic switch, in its US\$44 million Series B funding round. The funding allows Menlo Micro to significantly accelerate product development and the scaling of production lines.

Closed 200 venture capital financings, raising more than US\$6.2 billion for emerging and growth companies

**Pokémon GO
winning streak
continues**

Niantic. Secured victory in a patent infringement case brought against the makers of Pokémon GO, invalidating two patents that Barbaro Technologies asserted against our client involving augmented reality technology. This continued O'Melveny's streak of wins for Niantic, including another case that we defeated by invalidating the asserted patent, and the favorable settlement of patent claims after institution of *inter partes* review.

Samsung Electronics. Represented Samsung and its affiliates in many complex legal matters.

Highlights include:

- Achieving an eve-of-trial settlement in a complex patent matter that, at one point, involved 30 claims from six patents and dozens of products, including Samsung smartphones, tablets, and cameras using “face detection” for Auto Focus, Selfie, Smart features, Beauty Face, and other camera functions. O'Melveny wiped out all but one of the claims filed by Image Processing Technologies (IPT), and was preparing for trial, when the case settled just five days beforehand after the court refused IPT's last-minute request to postpone.
- Representing Samsung in class action antitrust litigation pending in the Northern District of California. The plaintiffs—putative classes of direct and indirect purchasers of dynamic random-access memory (DRAM)—allege that Samsung, Micron, and SK hynix orchestrated a conspiracy to restrict output of DRAM via public statements during earnings calls, leaks to industry analysts, and Q&A sessions with investors at industry conferences. Samsung, the market leader in the nearly US\$50 billion-per-year DRAM industry, turned to O'Melveny to lead the briefing on successive rounds of motions to dismiss the plaintiffs' complaints. And the O'Melveny team delivered, securing a dismissal with prejudice of the indirect purchaser action and a dismissal of the consolidated direct purchaser action.

SMART Global Holdings.

Counseled the conglomerate on its US\$300 million acquisition of Cree's LED products business unit. SMART sees the deal as “transformative,” using its global platform and operational expertise to deliver LED components and systems under the Cree LED brand for general and specialty lighting, large-format video screens, and outdoor and architectural lighting.

**“Transformative”
deal**

TTM Technologies. Advised the global printed circuit board products and radio frequency components manufacturer on its sale of four manufacturing subsidiaries in China comprising substantially all of the assets of its Mobility business unit.

Synaptics. Advised Synaptics on its US\$250 million acquisition of Broadcom Inc.'s (AVGO) wireless Internet of Things business and US\$305 million acquisition of DisplayLinks. Synaptics develops touch screens, displays, and other interfaces used in automotive applications, mobile phones, personal computers, and smart-home devices.

WeWork. Counseled the co-working company in the sale of its subsidiary Meetup, one of the world's first social media platforms, to a consortium of investors.

O'Melveny

**“stands out through its focus
on high-stakes litigation for
major technology clients”**

—US Legal 500



O'Melveny made its mark among the top firms in the transportation sector in 2020. Highlights include a landmark ruling denying class certification in a product liability suit alleging defects in car sunroofs and advising on the issuance of nearly US\$2 billion in special facilities revenue bonds to finance the renovation and expansion of terminals at John F. Kennedy International Airport.

Alaska Airlines. Represented Alaska Air Group and its subsidiaries (Alaska Airlines and Horizon) in securing US\$992 million from the US Treasury under the Payroll Support Program (PSP) made available through the Coronavirus Aid, Relief and Economic Security Act (CARES Act).

Air Lease. Represented the aircraft leasing company in a variety of capital market offerings including, in 2020, US\$4.5 billion in public debt offerings. O'Melveny's work with Air Lease over the years includes more than US\$15.4 billion in public debt offerings, the establishment of a revolving credit facility with an aggregate borrowing capacity of US\$6.0 billion, and US\$250 million in public equity offerings.

Advised on US\$80 billion in capital markets and financial transactions in 2020

American Airlines. Handled various matters for American Airlines in 2020, including:

- Obtaining dismissal of a putative class action in the Eastern District of Missouri brought by a former flight attendant challenging changes American made to the travel privileges of retired employees.
- Securing summary judgment on all claims in a purported nationwide class action in the Northern District of Texas alleging violations of the Uniformed Services Employment and Reemployment Rights Act.

- Obtaining summary judgment a few weeks before trial in an ERISA-related complaint in the Northern District of Texas filed as a representative action on behalf of tens of thousands of retirement plan participants challenging a popular demand deposit investment option offered in American's 401(k) plan. The case is on appeal before the Fifth Circuit.
- Representing American's financing team, led by Citigroup Global Markets, in the issuance of US\$360.4 million of special facility revenue bonds. The proceeds will finance the renovation and expansion of Terminal 8 at John F. Kennedy International Airport. The Terminal 8 redevelopment is the first project in a multi-stage, complete redevelopment and modernization of JFK anticipated to occur over the next several years.

Delta Air Lines. Represented the airline's financing team, led by Citi Global Markets, in the issuance of ~US\$1.5 billion of special facilities revenue bonds. The bond proceeds are helping to finance on-going construction at LaGuardia Airport (LGA) in New York, consisting of the demolition of existing Terminals C and D, the design and construction of new terminal facilities to be leased to Delta, and the design and construction of certain other facilities at LGA. O'Melveny had previously advised Delta's finance team on a similar bond issuance totaling ~US\$1.4 billion.

**Tier-1
recognition
for US project
development—
IFLR1000**

FedEx. Achieved dismissal of a proposed USERRA class action led by a FedEx worker who sought pay for the days he spent serving as a reservist. Even though “Congress ensures a variety of defined benefits and seniority are not affected by his military leave,” the judge said that guarantee does not require FedEx to give the reservist his regular pay while out on short stints of military service.

Kayne Partners. Counseled the growth equity group of Kayne Anderson Capital Advisors in its investment in FreightWaves, a data and content forum that provides market participants with near-time analytics on the state of the freight market, and in its investment in Signal Automotive, the wholesale auto sales, delivery, and pricing platform.

Kia. Represented the automaker in various matters in 2020, including:

- Successfully defending Kia in multi-year government investigations over the scope and timing of various vehicle recalls.
- Scoring a victory for Kia in a putative class action filed in the Southern District of Ohio alleging defects in the panoramic sunroof glass of numerous Kia models. Finding no common evidence of a defect, the court denied plaintiff’s motion for class certification. The court also granted Kia’s motions to exclude plaintiff’s glass experts, finding their testimony on the existence of a defect was “speculative” and “not reliable.” The class certification ruling is the first in a series of similar lawsuits that have been brought against numerous other manufacturers across the US, and it will influence proceedings in parallel lawsuits filed by the same counsel against Kia in other jurisdictions alleging the same defect.

Mitsui. Represented Mitsui and its joint venture partner, Yamasa Co., Ltd., in the acquisition of Spaceflight, a space launch rideshare company. Spaceflight provides end-to-end launch services by matching space launch providers and satellite owners.

Toyota Motor Credit Corp. Represented the underwriters in TMCC’s fifth Diversity & Inclusion (D&I) bond. The lead book-building managers in the US\$750 million D&I bond transaction consisted entirely of African-American-, Hispanic-, and women-owned broker dealers. TMCC is Toyota’s principal financial services subsidiary in the United States.

United Airlines. Advised United on labor issues related to the closure of flight attendant bases in Germany, Hong Kong, and Japan and represented the airline in the resulting grievance filed by the Association of Flight Attendants (AFA). The AFA challenged United’s policy that affected flight attendants could relocate to the US if they were eligible to work in the US or, otherwise, be terminated, arguing that the flight attendant collective bargaining agreement (CBA) required United to permit flight attendants to transfer to London, which at the time was United’s sole remaining base outside the US. After an expedited arbitration, the System Board of Adjustment found in United’s favor, deciding that nothing in the CBA required United to transfer the flight attendants to London, where there was no work to perform.

O’Melveny “handles a wide range of labor and employment matters with notable expertise in the issues affecting airlines...”
—Chambers USA



Outreach that Makes a Difference

The unprecedented challenges of 2020 strengthened our determination to help make the world a better place for us all.

Pro Bono

94%

Participation

99,062

Hours

157

Hours per lawyer
on average

9.3%

Of total billable hours

**US offices only*

Named to 2020 Pro Bono Hot List,
an exclusive ranking of law firms

**“dedicated to making a
monumental impact on the
lives of those in need”**

Recognized by the ACLU as a
Champion of Liberty

Winner of National Legal Aid & Defender
Association’s Beacon of Justice Award for
expanding opportunities for low-income
and vulnerable people

Honored by The Law Society of Hong Kong
at its 2020 Pro Bono and Community Work
Recognition Programme

Reproductive Rights. As co-counsel with the Center for Reproductive Rights (whose in-house counsel argued the case), O’Melveny successfully challenged the constitutionality of a Louisiana law requiring any doctor who performs abortions to have admitting privileges at a nearby hospital. This case tested the US Supreme Court’s fidelity to its abortion rights jurisprudence for the first time since the appointments of Justices Neil Gorsuch and Brett Kavanaugh.

While the Supreme Court heard arguments,
**thousands of supporters
gathered outside the
courthouse**

to rally against a growing tide of political attacks on
women’s reproductive rights—*Associated Press*

Right to Jury Unanimity. Successfully argued that the Sixth and Fourteenth Amendments require jury verdicts in state court to be unanimous for a criminal conviction. In a 6-3 ruling, the Supreme Court overturned a nearly 50-year-old precedent allowing states to obtain convictions with the assent of only 10 of 12 jurors.

Appellate Practice Group of the Year
—*Law360*

Religious Freedom. Persuaded an Arizona district court judge to overturn the convictions of four volunteers with the faith-based, humanitarian-aid group No More Deaths who were prosecuted for leaving food and water for migrants in a protected wildlife refuge in the Southern Arizona desert along the border with Mexico. A magistrate judge had convicted the four women for entering the refuge without a proper permit and abandoning property by dropping off one-gallon jugs of water and cans of beans for migrants. The federal court ruled that the prosecutions violated the Religious Freedom Restoration Act.

Compassionate Release from Prison. Secured the freedom of Quentin Burt, a medically vulnerable federal prison inmate who, at the age of 21, was sentenced to 40 years under mandatory-minimum laws for a non-violent drug offense. Now 51, Mr. Burt was diagnosed with diabetes, hypertension, and kidney disease—all COVID-19 risk factors.

Childcare for Healthcare Workers. Helped Melissa McKenzie, a scientist at Columbia University, start a charitable organization to match childcare providers with New York City healthcare workers who need childcare assistance so they can go to work to treat COVID-19 patients. We assisted Ms. McKenzie in setting up a nonprofit corporation, obtaining 501(c)(3) status, and drafting/editing notices and disclaimers for the website she had set up to facilitate the matches. The nonprofit is not affiliated with Columbia.

Tutoring Service for Children of Essential Workers. Helped COVE, a New York-based, volunteer-run organization providing free volunteer-based tutoring services to the children of essential workers in underserved communities impacted by the pandemic, in its application for non-profit, tax-exempt status. We also provided guidance on data privacy procedures as well as liability and fair use disclaimers.

O'Melveny's pro bono program tackles the critical issues of the day

Social Responsibility

Community service has never been an afterthought at O'Melveny. The drive to do better, be better, and make the world better is embedded in the firm's DNA.

Virtual Pro Bono Clinics Serving Veterans. Joined forces with several clients and alumni to host two virtual pro bono clinics serving veterans. Attorneys advised their veteran clients on clearing outstanding tickets and warrants for minor offenses and expunging eligible criminal records to gain access to benefits and a fresh start in life. Click [here](#) to learn more about O'Melveny support for veterans, service members, and military families.

- In December, we hosted our 18th annual New York Scholarship Awards Ceremony. The New York Scholarship Program encourages high school juniors from across the city to pursue a college education. Every year, three high school students—this time, three 12th-graders—from each of New York City's five boroughs are selected to join the program. The virtual ceremony welcomed 15 new 2020 New York O'Melveny Scholars.

Donated
to 200-plus
nonprofit
organizations

Charitable Giving. Committed to supporting our communities, O'Melveny annually donates to more than 200 organizations worldwide. In 2020, our efforts garnered us recognition as a top corporate philanthropist in the *Washington Business Journal*, the *Los Angeles Business Journal*, and the *San Francisco Business Times*.

For example, O'Melveny employees worldwide, together with the firm's matching gift, donated over US\$75,000 to MedShare, an organization delivering critical supplies to medical personnel battling COVID-19.

Scholarships. Continuing its longstanding commitment to providing access to education, O'Melveny awarded more than US\$500,000 in [scholarships](#) to dozens of students who excel academically but need financial help to realize their dreams of attending college.

- In October, we hosted our 26th annual Warren Christopher Scholarship Awards Ceremony. The Warren Christopher Scholarship Program identifies promising tenth-graders from Los Angeles high schools and encourages them to graduate from both high school and college by making a pledge to provide each of them a US\$20,000 college scholarship. The ceremony welcomed 15 new 2020 Warren Christopher Scholars to the program. Get to know the 2020 class of Warren Christopher Scholars in this [video](#).

Racial Justice and Voting Rights. Hosted private screenings of Warner Bros. and Participant's *Just Mercy* and *John Lewis: Good Trouble* and three webinars regarding pandemic-fueled anti-Asian racism, voting rights, and the digital divide. In the run up to the US presidential election, O'Melveny lawyers and staff volunteered to work with the NAACP Legal Defense and Education Fund on its voter-protection efforts, including monitoring social media and local news outlets throughout Georgia and Florida to expose voter intimidation, election misinformation, or any other suppressive measures affecting voting rights. The firm also partnered with Humana's legal department to remotely staff the Election Protection national voter hotline, which helped voters navigate the voting process and respond to reports of problems. Altogether, more than 120 O'Melveny lawyers and staff participated in these efforts to protect America's democracy.

Honored for our philanthropy by:
San Francisco Business Times,
Los Angeles Business Journal,
Washington Business Journal



Culture

O'Melveny is devoted to cultivating a culture where every person can enjoy a sense of belonging and feel empowered to contribute and grow.

For the 9th consecutive year, earned a spot on

AmLaw's "A-List,"

a designation based on the firm's revenue per lawyer, pro bono commitment, associate satisfaction, and racial and gender diversity

**#1 Firm Culture:
4th Year Running**

—Vault's Quality of Life rankings

Diversity, equity, and inclusion are imperatives

In 2020, we **took concrete actions to improve diversity** and ensure that employees can bring their whole selves to work.

Each of our incoming partner classes has been at least **50% diverse since 2016**

8 years in a row **rated 100% on HRC's Corporate Equality Index** and named a **"Best Place to Work for LGBTQ Equality"**

"Mansfield Certification Plus" **awarded for exceptional diversity within leadership ranks**—Diversity Lab—3rd consecutive year

In response to the killings of unarmed black men and women across the US, **we created a Racial Justice Committee (RJC) of firm lawyers and professionals focused on promoting a more just society and diverse profession.** RJC's efforts so far include:

- Coordinating three separate US\$25,000 donations by the firm to The Advancement Project, Color of Change, and the NAACP Legal Defense and Educational Fund;
- Becoming a founding member of the Law Firm Anti-Racism Alliance, a coalition of law firms committed to using the private legal community's resources to promote racial equity;
- Partnering with the NAACP Legal Defense and Educational Fund to challenge the potential conflicts created by St. Louis prosecutors joining the police union and becoming members of the same bargaining unit; and
- Collaborating with other major law firms to help achieve the repeal of New York's Section 50-a, which had allowed law enforcement agencies to shield police disciplinary records, a victory for transparency that Governor Cuomo signed into law June 2020.

Honored by the Leadership Council on Legal Diversity (LCLD) as a **"Top Performer" and "Compass Award" recipient**—3 years running

Launched a new law-school recruiting, interviewer-training program: *Recruiting, Interviewing and Hiring Through a Diversity Lens—What it is and Why it Matters*. This training helps interviewers recognize their unconscious biases, differentiate a “preference” from a “requirement,” appreciate differences, and consider why firms and candidates choose one another.

Continued to build the firm’s pipeline of diverse associates by admitting five highly accomplished William T. Coleman, Jr. Diversity Fellows to our 2020 summer associate program. Three of the seven 2017 and 2018 Fellows have joined the firm as associates, and all five of our 2019 Fellows returned as summer associates in 2020.

O’Melveny has
“done the best to deliver on the high-quality work, comfortable culture and other factors needed to keep associates happy”—*The American Lawyer’s* Midlevel Associate Survey

Highly ranked in associate surveys

O’Melveny achieved unprecedented recognition, sweeping *Vault’s* top rankings for 2nd consecutive year:

- Best Law Firm to Work For
- Best Overall Diversity
- Best Summer Program

“[A] huge congratulations to O’Melveny for completely sweeping the rankings”
—*Above the Law*

Named #1 for Associate Satisfaction on *AmLaw’s* Midlevel Associate Survey
—6th consecutive year in the top 4

Work-life integration valued

Best Law Firm for
Resources to Support Well-Being
—*Vault*

O’Melveny “has dedicated a lot of resources to making sure it’s the kind of place people want to work for”
—*Above the Law*

O'Melveny one of the
“Best Law Firms for Women” for 8 straight years

—Working Mother

Our commitment to a culture of caring

was evident in a number of initiatives rolled out in 2020, among them:

- A [paid Mental Well-Being Day](#) in light of all the distress and disruption experienced last year. Attorneys and staff members were encouraged to use the day to take a break from work and set aside time to be kind to themselves.
- A [reduced work schedule program](#) for US staff to balance personal obligations or provide extra time for self care.
- A [new employee assistance program](#), CCA@YourService, offering mental health services as well as referrals for child and elder care to all of our people and their family at no cost, 24/7.

To foster a sense of togetherness while working apart, we focused on [creating opportunities to connect virtually](#) through our 15 offices and 30 Employee Networks (affinity groups bound by gender, race, ethnicity, sexual orientation, religion, age, parenting, and more). In 2020, our networks organized:

- [Online](#) trivia games
- [Zoom](#) coffee breaks
- [Workshops](#) on personal connection and tools for managing stress and isolation
- [Webinars](#) for parents and caregivers balancing childcare or virtual learning while working remotely
- [As part of](#) this effort, we introduced “pulse” surveys to learn how our colleagues are coping and what support they need to face ongoing challenges

Awarded Gold Standard Certification by the [Women in Law Empowerment Forum](#)—4th straight year



Innovation and Efficiency

#1 for technology

—The American Lawyer's
Midlevel Associates Survey

Advanced Technology

A trio of proprietary technologies increases efficiency, lowers cost, and improves quality in the delivery of legal services:

ommi. More than a browser or search engine, omni is a powerful intranet platform that is the source for just about everything at the firm—it provides up-to-the-minute information on financials, case management, client and matter profiles, internal expertise, research, and all relevant client and precedent documents.

OMMLit. A crowd-sourced litigation playbook and just-in-time learning system, OMMLit divides the litigation process into 400 of the most commonly performed tasks, then pairs each task with the recommended staffing and most efficient method.

OMMNIscent. Our latest innovative platform, OMMNIscent, delivers to lawyers relevant information by email at different stages of a deal's or dispute's lifecycle—even before they realize they might need it—using a combination of enterprise software and push technology. For example, our OMMNIscent staffing application “knows” whenever a new client matter is opened and automatically sends the firm's work coordinators a customized report to help make staffing recommendations based on subject matter expertise, availability, location, and seniority. Another noteworthy OMMNIscent application, called “Instant Judge Reports,” lists the O'Melveny lawyers who clerked for a given judge and those who recently appeared before the judge in a case. The Instant Judge Report also provides detailed analytics about the judge's cases and outcomes, and a link to the judge's website.

People Power

Our innovative use of staffing resources also benefits clients.

Staff and Contract Attorneys. Lawyers are trained to identify opportunities to delegate targeted tasks to lower-cost resources, including staff lawyers and technical specialists—full-time employees of the firm whose sole function is to design, manage, and supervise document review projects of any size and scope. Although many have more than a decade's experience, their billable rates remain lower than first-year associates. Our staff attorneys manage a cadre of O'Melveny-trained contract attorneys whom we offer at hourly rates that compete with the lowest-cost document review options.

48% of the firm's top 50 clients utilize creative fee arrangements

Legal Project Managers. We employ a dedicated team of legal project managers (at no charge to our clients) to assist with staffing, budgeting, and case management.

Editorial Team. We are the only major law firm to employ a Pulitzer Prize-winning journalist to help craft the most compelling arguments for our clients. Billed at an hourly rate well below that of a junior associate, our in-house editor collaborates with attorneys to develop narratives, frame issues, and sharpen written work product. As a result, initial drafts become polished briefs more swiftly and efficiently—and clients receive better-written work at a lower cost. The results have been so successful that the firm recently hired two more editors as writing coaches.

Century City • Los Angeles • Newport Beach • New York • San Francisco • Silicon Valley • Washington, DC
Beijing • Brussels • Hong Kong • London • Seoul • Shanghai • Singapore • Tokyo