

## D.C. LITIGATION DEPARTMENTS OF THE YEAR

GENERAL LITIGATION WINNER

### O'MELVENY & MYERS

**O'MELVENY & MYERS ONCE AGAIN** proved its mettle as a litigation machine in 2018, as the firm scored clean wins for top-billing clients in cases that could shape the business industry.

One of those victories came through the firm's representation of AT&T Inc. and Time Warner, who became mired in a major legal battle with the federal government in November 2017, when the Justice Department brought a historic challenge to their \$85 billion merger. It was the first time the government had sought to block a vertical merger in decades, and many had questioned whether President Donald Trump's well-documented dislike for CNN, Time Warner's signature news brand, had motivated the lawsuit.

But the two companies brought on O'Melveny partner Daniel Petrocelli to lead the pack of lawyers and firms defending the deal in a grueling six-week trial in Washington. "I learned a long time ago to put blinders on, and to stay focused," Petrocelli said, describing the legal issues in the case as "straightforward." That was a lesson that proved crucial to O'Melveny's big win. U.S. District Judge Richard Leon cleared the merger in June 2018, and the D.C. Circuit later affirmed the ruling, blessing a deal that's reshaped the media industry.

But O'Melveny notched another big win last year, this time for client Samsung Electronics, as it fought allegations in years of intense multidistrict litigation that it was involved in a conspiracy to fix prices for optical disk drives. Partner Ian Simmons, who co-chairs the firm's antitrust and competition practice, led the team that represented the electronics conglomerate and said his team of partners and associates "outworked and out-thought" the opposition to achieve dismissal in the case. "The theory is they colluded to



have x be the result. Let's see if X actually happened," Simmons said of the firm's central argument in the case. "That's what we did. We showed the judge, we didn't just tell him."

Even while other disk-making companies involved in the case had previously settled for tens of millions of dollars and agreed to guilty pleas with the Justice Department, U.S. District Judge Richard Seeborg of the Northern District of California, agreed to dismiss the claims against Samsung Electronics. In the end, O'Melveny helped Samsung fend off antitrust claims seeking \$1 billion in actual damages and \$3 billion in treble damages.

Simmons said the case highlighted the importance of facts, good lawyering, and a fair-minded judge. In August 2018, Samsung and Toshiba, another defendant in the case, agreed to pay \$25 million to end the allegations against them, and compensate the class of indirect purchasers suing them and cover their legal costs and fees.

—ELLIS KIM

#### firm facts

Name of firm: O'Melveny & Myers  
Founded: 1885  
Total number of attorneys: 705  
Litigators as percentage of firm: 68%  
Litigators as percentage in D.C.: 95%  
Litigation partners firmwide: 126  
Litigation associates firmwide: 316  
D.C. litigation partners: 24  
D.C. litigation associates: 49

#### keys to success

■ Avoid distractions and any external influences in your case, and keep your eye on the prize, look straight ahead and stay focused for your client.

—Daniel Petrocelli

■ Clients can often be stigmatized; great lawyers are able to overcome bad optics.

—Ian Simmons