

Trial Ready and Broad Record of Success

Drawing on the robust experience of trial lawyers from across our practices and offices, Weil is equipped to efficiently litigate and try its clients' most significant disputes.

Weil Named Top 20 Trials Practice in the United States

— *Benchmark Litigation, 2022-2024*

Weil Named Trials Practice Group of the Year

— *Law360, 2017, 2019, and 2023*

Success at Trial. While our litigation group is well-versed in all aspects and phases of the litigation process in jurisdictions around the world, we have particularly robust experience taking our clients' most important matters to trial – and we have a track record of success.

- Weil's Litigation Department counts more than two dozen, first-chair trial lawyers who regularly coordinate and try complex cases. We seek to engender in all of our litigation attorneys a trial-ready posture at the outset of every matter.
- Weil is regularly called upon to manage and try cases that involve emerging technology, significant damages, and/or issues of first impression.
- Though we typically handle the majority of our trial work in the course of an existing representation, we occasionally are called in by other firms, and their clients, to assist with or lead trial proceedings just before they commence.
- We excel at navigating our clients through multijurisdictional, multi-phase matters that involve a range of practices.

An Efficient Approach. We recognize that each case affords the opportunity to win prior to trial. Clients hire us because we have the ability to identify the weaknesses in our adversary's case quickly and the broad knowledge to take advantage of those weaknesses and to emphasize the strengths of our clients' cases. Our goals are always to assist our clients in managing risk, capitalizing on strategic opportunities, and obtaining the best results in litigation.

Weil litigation partners are consistently trying cases before judges, juries or arbitration panels in venues around the world, and our extraordinary efforts have resulted in substantial, game-changing outcomes for our clients. In the last two years alone, more than 26 litigation partners have tried and won a case – avoiding billions in liability for our clients.

Selected Representations

Bio-Rad Laboratories and the University of Chicago

Secured a complete verdict in favor of our clients, Bio-Rad Laboratories and the University of Chicago, in a patent infringement suit brought against a competitor, 10X Genomics, regarding sophisticated genetic testing methods. After brief deliberations, the Delaware federal jury held that all of our clients' asserted patents are valid and infringed, and that the infringement was willful, and awarded the full amount of requested damages: \$24 million. In July 2019, the court denied 10X Genomics' challenge to the verdict, and in a separate decision, granted Weil's clients' motion for a permanent injunction. The Federal Circuit sustained the verdict and the permanent injunction in August 2020.

CareDx

Weil achieved a sweeping victory in March 2022 for client CareDx following a five-day jury trial in Delaware federal court, when a jury returned a nearly \$45M verdict in CareDx's favor against competitor Natera. The jury found that Natera intentionally and willfully engaged in false advertising in the promotion of its kidney transplant rejection assessment test that deliberately deceived the organ transplant community, and awarded CareDx \$21.2M in compensatory damages and \$23.7M in punitive damages under the Lanham Act, the Delaware Deceptive Trade Practices Act and Delaware unfair competition law.

C&S Wholesale Grocers

Weil secured a complete defense jury verdict for C&S Wholesale Grocers following nine days of trial in April 2018 in an antitrust class action in Minnesota federal court. The jury's verdict erased several hundred million dollars sought in treble damages, plus attorneys' fees, and brought nine years of litigation to a close. Plaintiffs alleged that New England-based C&S and Supervalu, another leading wholesaler based in the Midwest, entered into a conspiracy to allocate the New England and Midwest territories between themselves for a period of five years, resulting in inflated grocery prices. The other defendant settled before trial. Weil partners David Lender and Eric Hochstadt, who led the trial team, were recognized as The American Lawyer's "Litigators of the Week," in which the publication characterized the rare, high-stakes case as "An Antitrust Unicorn – With \$800M on the Line." The team also won Global Competition Review's "Litigators of the Week" accolades for its role in securing this win. In 2020, following oral argument, the Eighth Circuit affirmed the verdict dismissing all claims, and the U.S. Supreme Court subsequently denied plaintiffs' motion for a writ of certiorari.

Confidential E-Commerce Company

Successfully represented a major e-commerce company in a contract dispute relating to a multi-year operating agreement with a former business partner. Following a five-day evidentiary trial and post-trial briefing, secured a complete victory and significant damages for the client.

ESPN

Obtained a significant federal jury verdict for ESPN in a \$150 million dollar dispute with DISH Network relating to certain provisions of a content distribution agreement. In a separate dispute with DISH Network, obtained an affirmation on appeal of a complete New York state court jury verdict for ESPN, also worth hundreds of millions of dollars.

General Electric

Obtained a \$170 million dollar jury verdict for General Electric in a patent infringement dispute against Mitsubishi Heavy Industries – part of a multi-forum dispute relating to wind turbine technology.

Johnson & Johnson

Weil served as lead trial counsel for Johnson & Johnson in the mass tort talc litigation brought in New Jersey state court. After a four-week trial, Weil secured a complete defense jury verdict in October 2018. The plaintiff alleged that J&J's baby powder contains asbestos and causes cancer. This lawsuit is one of many similar cases currently pending in courts around the United States, in which plaintiffs allege that the use of talcum powder caused lung cancer or ovarian cancer, but this is the first defense verdict for J&J in a talc case in New Jersey courts. The American Lawyer awarded Weil lead trial partner Diane Sullivan "Litigator of the Week" honors for securing the verdict. Law360 also highlighted the win as a landmark victory of 2018. CVN showcased the win as the most impressive defense verdict of the year.

Weil subsequently served as co-lead trial counsel for Johnson & Johnson in a similar case in New Jersey state court alleging that exposure to asbestos in J&J's baby powder contributed to him developing cancer. Following four weeks of trial, in March 2019, the jury returned a unanimous, 6-0 verdict after deliberating for less than 25 minutes. As a result of the victory, Weil was named a "Legal Lion" by Law360.

Following closely on the heels of this victory, in May 2019 Weil served as lead trial counsel in a separate lawsuit in the mass tort talc litigation in South Carolina state court alleging that exposure to asbestos in J&J's baby powder contributed to the plaintiff developing a rare form of cancer. Following one week of trial, the jury returned a unanimous, 12-0 verdict in favor of J&J on every question.

Morgan Stanley

Secured a total victory for Morgan Stanley in November 2015 after a New York federal jury issued a verdict of no liability in a trial of private insider trading claims asserted by a Russian billionaire and his Netherlands-based investment vehicle, Veleron Holdings. The jury reached its verdict after two weeks of trial in the Southern District of New York. Plaintiff alleged that Morgan Stanley was improperly short-selling stock of Magna International – a Canadian auto-parts manufacturer in which plaintiff had invested \$1.5 billion just prior to the start of the financial crisis – based on purported insider information gleaned by Morgan Stanley from BNP Paribas, the lending bank that funded plaintiff's investment in Magna, and that had entered into a series of derivative transactions with Morgan Stanley referencing Magna stock. In June 2017, the Second Circuit affirmed.

Nuance Communications

Obtained a favorable decision for Nuance following an arbitration of \$30 million in claims brought by Vocada relating to an earnout dispute.

SiriusXM and Pandora Media

On June 11, 2021, Weil secured a highly favorable result for Pandora and Sirius XM in the Web V proceedings against SoundExchange and the recorded music industry. The CRB set royalty rates to be paid by non-interactive (i.e., radio-style) webcasters to the recorded music industry for the rights to publicly perform copyrighted sound recordings and to make ephemeral copies of those recordings over the 2021-2025 period at a level far lower than sought by SoundExchange. The six-week trial—one of the most extensive virtual trials with dozens of witnesses, multiple other parties, numerous other law-firm participants, a three-judge panel, and thousands of exhibits—was held via videoconference in August and September 2020. Weil also represented Sirius XM and Pandora in several similar previous rate-setting proceedings (*Web IV*, *SDARS I*, *SDARS II*, *SDARS III*, and *Phonorecords III*).

Philip Morris USA

Won a complete defense verdict for Philip Morris USA in a class action tried to a jury in Boston federal court. The plaintiffs brought a medical monitoring class action on behalf of allegedly over 30,000 Massachusetts smokers who smoked Marlboro cigarettes, seeking to have Philip Morris USA fund a screening program for the early detection of lung cancer. Plaintiffs sought a comprehensive program that would have included yearly low-dose CT scans, which are now the standard of care for the early detection of lung cancer for certain patients. Plaintiffs' legal theory was design defect, alleging that our client could have made a safer cigarette that would have decreased their risk of subcellular injuries caused by smoking. Originally filed in 2006, the case was certified as a class action in 2010. Weil was brought in as lead trial counsel in 2012. After 10 years of litigation and three-week jury trial, our client won a unanimous verdict on the first question on the verdict sheet – Marlboro cigarettes are not defective and unreasonably dangerous.

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Recent Announcement

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- › [Weil Featured as 2023 Law360 Trials Practice Group of the Year](#)
Firm Announcement — March 08, 2024



Weil has “excellent expertise and trial lawyers who know their way around the courtroom.”

— *Chambers USA 2021*



One source noted: “They’re extremely bright, creative thinkers. They’re very good in court on their feet in arguments, hearings and witness examination.”

— *Chambers USA 2020*



Weil’s trial attorneys are “skilled in breaking down complicated matters for juries.”

— *Law360, Trials Practice Group of the Year, January 27, 2017*



Weil’s litigation lawyers are “zealous advocates with real trial experience and good judgment.”

— *Benchmark USA 2017*

Awards and Recognition

- › **Weil Named Trials Practice Group of the Year**
Award Brief — Law360 2017, 2019, and 2023
- › **Weil Named Top 20 Trials Practice in the United States**
Award Brief — Benchmark Litigation 2022-2024
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Award Brief — New York Law Journal 2018, 2020, and 2023

Latest Thinking

- › **Preparing Antitrust Experts for Trial**
Publication — Bloomberg Law — By [David J. Lender](#), [Eric S. Hochstadt](#), [Luna Ngan Barrington](#) and [Sarah Ryu](#) — PDF — June 27, 2022
- › **Can Your CEO Help Win Your Case?**
Publication — Law.com — By [David J. Lender](#), [Eric S. Hochstadt](#), [Luna Ngan Barrington](#) and [Rebecca Jaeger](#) — April 11, 2022

Firm News & Announcements

- › **David Lender Inducted into International Academy of Trial Lawyers in 2024**
Firm Announcement — March 18, 2024
- › **Weil Featured as 2023 Law360 Trials Practice Group of the Year**
Firm Announcement — March 08, 2024

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