

THE
AM LAW LITIGATION DAILY

Litigator of the Week Runners-Up and Shout Outs

By Ross Todd

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➤ And, as you're about to see, it's been a pretty remarkable stretch for the litigators at **Latham & Watkins**. First up, Chief U.S. District Judge Philip Gutierrez in Los Angeles last week granted summary judgment to Latham client Pandora in the nearly decade-long litigation over the use of pre-1972 sound recordings brought by the owners of the rights for the master recordings of 1960s chart-toppers The Turtles. Gutierrez, who previously ruled twice against Pandora only to be overturned at the Ninth Circuit, noted this was the "last case standing" in a string of cases accusing satellite and internet radio companies of violating state copyright laws by failing to pay for the reproduction and public performance of pre-1972 recordings. The team on the matter included partners **Andy Gass, Jessica Stebbins Bina, Elana Nightingale Dawson** and **Joe Wetzel**, and associates **Carolyn Homer** and **Ray Gans**.

Also last week, a Latham team led by associate **Bradley Hyde** scored a precedential win from the D.C. Circuit in a case the firm is handling on behalf of Army veteran Jason Sissel, who suffered back and leg injuries in a motor vehicle accident while deployed in Iraq. The firm has been challenging the Army's determination that Sissel's disability rating is below the threshold needed to confer military retirement benefits. The D.C. Circuit last week found the Army's approach was "inconsistent with the applicable statute and regulations," overturning a summary judgment ruling from the trial court and remanding the case for further proceedings. Hyde, who took the lead on the case at the district court and on appeal, argued the case before the D.C. Circuit in April. The team also includes associates **Adriana Erquiaga, Helen Kirkby, Carolyn Hudson, Kevin Hamilton** and **Erik Jensen**. Partner **Michael David** has supervised, with partner **Gabriel Bell** assisting on the D.C. Circuit appeal.

On Monday, a Latham team representing the former special committee of Inovalon Holdings Inc. knocked out a shareholder suit targeting the company's \$7.3 billion sale to a private equity consortium led by Nordic Capital in 2021. In a bench ruling, Delaware Chancellor Kathaleen McCormick also dismissed claims against Inovalon and founder Keith Dunleavy. The Latham team representing the special committee included partners **Blair Connelly, Kristin Murphy**, and associate **Ryan Walsh** with Delaware counsel from Ryan Stottmann, William Lafferty and Alexandra Cumings of Morris Nichols Arsht & Tunnell. Dunleavy was represented by A. Thompson Bayliss and Eric Veres of Abrams & Bayliss. Inovalon Holdings Inc. and director defendants were represented by Raymond DiCamillo, Kevin Gallagher and Caroline McDonough of Richards, Layton & Finger.

And this week in Nevada state court, a group of Latham litigators represented former directors of Switch Inc. in a securities suit centered on the company's \$11 billion acquisition by DigitalBridge. Clark County District Judge Susan Johnson granted the defendants' motion to dismiss in full with prejudice. The Latham team was led by partner **Joshua Hamilton** and included associates **Ryan Walsh** and **Max Shapiro**, along with local counsel Todd Bice and Emily Buchwald of Pisanelli Bice. The Simpson Thacher & Bartlett team representing the buyers included partner Stephen Blake and associate Sareen Armani, with local counsel from Maximilien Fetaz of Brownstein Hyatt Farber Schreck.