

Trials Group Of The Year: Williams & Connolly

By **Ivan Moreno**

Law360 (January 27, 2022, 2:03 PM EST) -- Williams & Connolly LLP successfully defended AstraZeneca PLC and CVS Health Corp. in lawsuits that could have cost the companies hundreds of millions of dollars, earning the firm a spot among Law360s 2021 Trials Groups of the Year.

The firm is also lead counsel for Cardinal Health Inc., one of the largest drug distributors in the world, as it faces opioid lawsuits across the U.S. Williams & Connolly said it was instrumental in crafting a \$26 billion settlement framework in July 2021 in New York between more than a dozen states and Cardinal Health, Johnson & Johnson, AmerisourceBergen Corp. and McKesson Corp.

Enu Mainigi, a partner and first-chair trial lawyer who represented CVS and now Cardinal Health, said Williams & Connolly has built a reputation for taking cases "irrespective of the subject matter" and handling them successfully.

"I think that to me is one of our calling cards as a firm," said Mainigi, a 2021 Law360 Health Care MVP who focuses on financial services and health care.

The firm said the July 2021 settlement "has the potential to resolve dozens of state [attorneys general] cases and thousands of other actions brought by political subdivisions," but Mainigi declined to comment further, saying settlement discussions are confidential.

The Washington, D.C.-based firm said its foundational expertise is in trial work and that about 90% of its 315 attorneys are litigators. Training for big cases starts early in associates' careers, said Edward J. Bennett, partner and co-chair of Williams & Connolly's complex commercial litigation practice group.

"In five, 10, 15 years, they're going to be sitting where Enu and I are and be first-chair trial lawyers, and that doesn't happen overnight," Bennett said. "So I think the way we train our associates, expose them to on-their-feet experiences early and often in their careers, is really a fundamental part of what we do."

In the CVS case, Williams & Connolly prevailed in a class action trial in California in June brought by insured drug buyers in six states who alleged the pharmacy chain unfairly overcharged them by more than \$121 million for generic drugs under CVS's now-defunct Health Savings Pass discount program.



"We obviously were thrilled with the jury verdict in our favor because that jurisdiction is a pretty plaintiff-friendly jurisdiction when it comes to class actions," Mainigi said.

Williams & Connolly also racked up two wins for AstraZeneca, the first in November 2020 when the Delaware Court of Chancery ruled in their favor in a bench trial involving shareholders of Amplimmune LLC, who were seeking \$275 million in milestone payments after an AstraZeneca affiliate acquired the biologics company.

"It just was a very significant case to them because they were being alleged to owe significant sums of money that they did not believe they owed," Dane Butswinkas said.

The firm's second win for AstraZeneca came in March 2021 in a patent lawsuit against Mylan, which had planned a generic version of AstraZeneca's Symbicort, an asthma inhaler treatment. The case was only the second pharmaceutical patent trial to be held in West Virginia, Mylan's headquarters, and the first time the patent owner prevailed in that jurisdiction, Williams & Connolly said.

The case is on appeal in the Federal Circuit, and Mylan notched a victory of its own when a split panel in December sided with the drugmaker's argument that the district court erred in applying a claim construction that was too broad and remanded that portion of the case to the lower court. However, the appeals panel upheld the lower court's finding that AstraZeneca's patent claims are not obvious, which was the most crucial part of the case, according to the Williams & Connolly attorney who worked on the case.

"In our view, the most important finding at trial, and frankly the sole issue at trial, was obviousness, and the Federal Circuit thoroughly and unanimously affirmed the [district] court's findings in that regard, and we think that that is very important for the case going forward," said David Berl, a partner and co-chair of the firm's patent litigation practice.

Williams & Connolly also successfully defended National Geographic Partners LLC in an arbitration proceeding after Veseli Fine Art LLC accused the company of breaching a licensing agreement related to National Geographic's photography collection.

"That was a very interesting case because it involved the rights over the gallery of prints that National Geographic has amassed in over a hundred years," Butswinkas said.

Additionally, Williams & Connolly attorneys defended Elizabeth Holmes, the founder and former CEO of Theranos who earlier this month was convicted on three counts of wire fraud and one count of conspiracy. Jurors cleared her on three fraud counts and one conspiracy count and deadlocked on three wire fraud counts.

Mainigi said Williams & Connolly attorneys are successful litigators because they listen to everyone's ideas.

"I think some of our best ideas have come from the most junior associates on a case who may have the luxury sometimes of coming into the case and just thinking about it like a juror might think about it, not with 20 years of experience under their belt," she said.

--Additional reporting by Emily Field, Dorothy Atkins, Adam Lidgett and Jeff Montgomery.
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