

Andrea E. Smith

Partner

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New York



Andrea E. Smith is a partner in the New York office of Gibson, Dunn & Crutcher and admitted to practice in both New York and California. Ms. Smith Co-Chairs Gibson Dunn's Transnational Litigation Practice Group and is a member of the firm's International Arbitration, Environmental Litigation and Mass Tort, Class Action and Appellate Practice Groups.

Ms. Smith is a high-stakes trial lawyer whose victories include billion dollar matters in both international and domestic forums. Her international work spans Central, South and North America at both the trial and appellate levels. Domestically, she represents clients in an array of industries nationwide, including oil and gas, food and agriculture, aerospace, technology, accounting, real estate and financial services. She has also served as trial counsel for state and local governments.

Her work is featured in *The American Lawyer* coverage of Gibson Dunn as "The 2016 Litigation Department of the Year," "The 2012 Litigation Department of the Year," and "The 2010 Litigation Department of the Year." As one *American Lawyer* article noted when discussing her courtroom accomplishments: "[Smith] coaxed one plaintiff to admit that he had been trained to testify 'like a parrot,' and she found others so frightened of retribution for testifying that they nearly collapsed during depositions." As a lead counsel in Chevron's "case of the century" against plaintiffs' lawyer Steven Donziger and related foreign litigation, she has led multiple Chevron victories, some of which are detailed in *The American Lawyer's* "Inside Gibson Dunn's Winning Chevron Strategy." Her victories for Dole Food were likewise featured as cover stories in the *California Lawyer* and *Corporate Counsel*, and a front-page feature story in *The Wall Street Journal*.

Throughout her career, Ms. Smith has received numerous accolades for her strategic and courtroom accomplishments. She was named by *Benchmark Litigation* as the 2024 "US Environmental Litigator of the Year," a "Litigation Star" in New York, one of the nation's "Top 100 Trial Lawyers," and one of the "Top 250 Women in Litigation." She has been repeatedly named one of California's "Top 100 Lawyers" by the *Daily Journal*. She was also named as one of Latin America's "Top 100 Lawyers" and as one of Latin America's "Top 50 Female Lawyers" by *Latinvex*, received the "California Lawyer Attorneys of the Year" (CLAY) Award from *California Lawyer* magazine, "Attorney of the Year" from *The Recorder* and has been repeatedly recognized as a "Top Female Litigator" in the State of California. Ms. Smith has also been recognized by *The National Law Journal* as an "Energy & Environmental Trailblazer" and by *The Best Lawyers in America*® in the field of Commercial Litigation. Additionally, Ms. Smith was named by *Lawdragon* as one of the 2023 "500 Leading Global Litigators" and one of the 2021 "Global Litigation 500" for *International Litigation & Arbitration*.

Ms. Smith received her Juris Doctor from the University of Virginia, and dual degrees from the University's McIntire School of Commerce with high distinction.

Capabilities

Transnational Litigation
Appellate and Constitutional Law
Energy and Infrastructure
Environmental Litigation and Mass Tort
International Arbitration
Litigation
Oil and Gas
Securities Litigation

Credentials

Education

University of Virginia - 1990 Juris Doctor
University of Virginia - 1987 Bachelor of Science

Admissions

New York Bar
California Bar

Ms. Smith has served as Chair of the Board of Directors of the Orange County Child Abuse Prevention Center and on the Board of United Cerebral Palsy of Orange County. She has been a member of the United Way's Alexis de Tocqueville Society and the Women's Philanthropic Fund. Ms. Smith has also served as Co-Chair of BUZZ: An Executive Women's Think Tank.

Representative matters

- *Chevron Corporation, Climate Change Litigation*: Represent Chevron Corporation in climate change actions filed across the country, including in New York and California. To date, Chevron has prevailed on multiple motions to dismiss these actions, which attempt to shift liability for national and international energy policy choices on to energy producers. *City of New York v. BP, P.L.C. et al., No. 18-cv-00182-JFK (S.D.N.Y.)*; *City of Oakland v. BP, P.L.C., et al., No. 17-cv-06011 (N.D. Cal.)*; *City and County of San Francisco v. BP, P.L.C., et al., No. 17-cv-06012 (N.D. Cal.)*.
- *Eli Lilly & Co.*: Represent Eli Lilly in Brazilian litigation brought against its subsidiary, Eli Lilly do Brasil Ltda., arising from allegations that former workers were exposed to environmental contamination at an industrial facility. Prior to Gibson Dunn's involvement, a billion reais judgment was entered against Lilly Brazil in an action brought by a Brazilian public prosecutor, along with multiple judgments in favor of individuals also brought in the Brazilian labor courts. Since Gibson Dunn's involvement, hundreds of claims brought against Lilly Brazil have been dismissed, and no new judgments have been issued against Lilly Brazil at the trial-court level. Multiple matters remain pending in the Brazilian Labor Courts at both the trial and appellate level.
- *Hilton International, Foreign Litigation and Related U.S. Proceedings*: Represent Hilton in multiple foreign disputes and in related U.S. actions. Successfully resolved multiple foreign disputes on Hilton's behalf and defeated multiple attempts to obtain U.S. discovery from Hilton in support of foreign actions.
- *Dole Food Company, Inc., Environmental DBCP Litigation*: Lead trial, appellate and nationwide coordinating counsel for Dole Food Company in environmental litigation brought by tens of thousands of plaintiffs nationally and internationally. Alleging exposure to DBCP, Plaintiffs from Nicaragua, Costa Rica, Guatemala, Ecuador, Honduras, Panama and the Ivory Coast have brought claims both across the United States and in the plaintiffs' countries of origin. Tens of thousands of claims have been successfully defeated and no claims have survived to judgment since Ms. Smith became lead Dole counsel. In one of the lead DBCP cases, strategic foreign and domestic investigations lead by Ms. Smith ultimately resulted in a fraud trial and the dismissal with prejudice of all claims by Nicaraguan plaintiffs pending in U.S. trial courts, as a sanction for the plaintiffs' and their counsel's fraud on the court.
- *Chevron v. Donziger, et al., S.D.N.Y.*; *Aguinda v. Chevron, Lago Agrio, Ecuador*; *Chevron v. Republic of Ecuador, Hague*: Represent Chevron internationally in litigation arising out of an environmental case brought in Ecuador in 2003. Lead counsel in Chevron's successful RICO and fraud suit against the U.S. lawyer and associates who masterminded an extortion scheme that included fraudulently procuring a \$9.2 billion Ecuadorian judgment against Chevron. In its 485-page opinion, the court described the case as "extraordinary" and "includ[ing] things that normally come only out of Hollywood," including "coded emails," "payments out of a secret account," videotaped evidence of crimes in progress, and blockbuster evidence that the defendants "wrote the [Ecuadorian] court's Judgment themselves and promised \$500,000 to the Ecuadorian judge to rule in their favor and sign their judgment." The New York Times described the result as a "major victory," and the Washington Post called it "resounding." Ms. Smith continues to advise Chevron on a range of issues flowing from this high-stakes, complex matter and in the related foreign enforcement and International Arbitration matters.

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- *Perez v. Dole Food Company, Inc.*: Lead trial counsel in successful defeat of hundreds of false claims that Dole Food Company funded and directed the activities of AUC paramilitaries in the banana-growing regions of Colombia and was responsible for hundreds of deaths in connection with Colombia's internal conflict between warring paramilitaries and guerrillas in that region.
- *Sanchez Osorio v. Dole Food Company, Inc., et al.*: Represented Dole in a recognition and enforcement trial in the Southern District of Florida where plaintiffs sought to enforce a bellwether \$100 million Nicaraguan judgment. Dole defeated enforcement of the Nicaraguan judgment following trial before the District Court and its victory was affirmed by the 11th Circuit.
- *In re Burbank Environmental Litigation*: Successfully represented aerospace company in federal toxic tort case involving three putative class actions as well as individual plaintiffs alleging claims for personal injury, wrongful death, property damage, CERCLA response costs, medical monitoring and punitive damages in connection with alleged air and groundwater contamination with TCE, PCE and Cr6. By the time of trial in Los Angeles federal district court, all class allegations had been defeated and only nine plaintiffs remained. The case was settled during trial for an amount below plaintiffs' hard costs.
- *In re Redlands Tort Litigation*: Successfully represented Lockheed Martin Corporation in state court toxic tort litigation brought by over 800 individual plaintiffs and two putative classes alleging personal injuries and medical monitoring damages for alleged groundwater contamination with TCE and ammonium perchlorate. Seven successful writs of mandate resulted in the reversal of the trial court on key issues such as punitive damages, burden of proof and statute of limitations. Judgment was entered in client's favor as to 100% of the first group of test plaintiffs.
- *In re Norco Tort Litigation*: Successfully represented defendant engineering and testing company in toxic tort lawsuits brought by over 100 plaintiffs and a putative class of property owners in which defendant was accused of contaminating the groundwater flowing from a site located in Norco, California. The lawsuit was resolved to client's advantage with a successful strategy that resulted in the recovery of the client's fees and costs.
- *Elsie A. Abel v. Lockheed Martin Corporation*: Successfully represented Lockheed Martin Corporation in high-profile toxic tort case involving aircraft and rocket manufacturing facilities. Suits were brought by thousands of residents alleging personal injuries and/or wrongful death stemming from multi-decades of alleged groundwater contamination. The exclusion of both plaintiffs' Fate and Transport and causation experts and resulted in a defense judgment.
- *Lee Anderson Minnelli v. Liza Minnelli Gest, etc.*: Successfully defended Liza Minnelli in a high-profile suit brought by her stepmother, Lee Minnelli, alleging elder abuse and breach of fiduciary duty.
- *City of Long Beach v. Exxon Corporation*: Trial counsel for state and local government entities in an oil royalty matter, which included a four-month jury trial in California.
- Lead trial counsel in numerous successful trust litigation matters, including representations of both major trust companies and the heirs of United Parcel Services, Freedom Communications, Newhall Land and Farming and Farmers Insurance.