

California Powerhouse: Gibson Dunn

By **Dorothy Atkins**

Law360 (September 23, 2024, 4:51 PM EDT) -- Gibson Dunn & Crutcher LLP's California-based partners have helped clients lock in precedent-setting wins before the U.S. Supreme Court over the past year while guiding big-ticket real estate and life sciences transactions, earning the firm a spot on Law360's annual list of Regional Powerhouses.

Gibson Dunn partner Theodore J. Boutrous Jr. told Law360 that the firm's thriving litigation practice dates back to the 1920s, and over the past year, it has continued its impressive track record by helping clients secure headline-grabbing victories before the U.S. Supreme Court.

Those wins include assisting Slack Technologies Inc., the company behind the popular work communication platform, in landing a unanimous Supreme Court victory in a first-of-its-kind case addressing the right to sue under Section 11 of the Securities Act.

The high court's June 2023 decision limited investors' ability to go after companies that go public via direct listing, a relatively new option, clarifying that investors who sue must prove that their shares were registered by the company.

Boutrous said the Slack ruling was a significant win in a "cutting-edge area" of the firm's securities practice, which he noted has been "booming" in recent months, along with Gibson Dunn's insurance, technology and antitrust practices.

Since the Los Angeles-headquartered law firm was founded in 1890, Gibson Dunn's headcount in California has grown to 566 attorneys — up from 532 last year — who work from five offices located in the Los Angeles neighborhood of Century City, as well as Los Angeles, Orange County, Palo Alto and San Francisco. That's more than a third of the firm's 1,577 U.S.-based lawyers, in addition to those based in Europe, Asia and the Middle East.

In another recent Supreme Court win, Los Angeles partner Theane Evangelis, who is co-chair of the firm's global litigation practice group, argued in April on behalf of the city of Grants Pass, Oregon, that the city's anti-camping ban is narrow and doesn't amount to cruel and unusual punishment.

Boutrous called the justices' June majority decision in favor of the city a "huge" and important victory,



and he noted that the case posed novel legal questions at the intersection of public policy and the law, which he said captures many of the cases Gibson Dunn attorneys take on.

To that end, earlier this year, Gibson Dunn helped advise Berkshire Hathaway-owned brokerage firm HomeServices of America in negotiating a \$250 million deal to settle claims that it forced a class of home sellers to pay inflated commissions. The deal closely followed the approval of a \$418 million settlement between the class and the National Association of Realtors, and it ended the brokerage firm's position as the lone holdout in its fight against a \$1.8 billion jury verdict.

Gibson Dunn's California litigators have also recently helped technology giants like Meta Platforms Inc. and San Francisco-based Salesforce Inc. beat high-stakes civil lawsuits at the pleading stage, and the firm has represented clients in novel First Amendment litigation, which is "another area that's just exploded in a way that you really wouldn't have predicted," Boutrous said.

In the coming year, Boutrous said he expects the firm's securities, insurance, antitrust and technology practices will stay busy as climate change and advancements in cryptocurrency and artificial intelligence technologies spur on litigation.

"California is such an enormous economic engine — there's so much activity," he said. "I think it's going to continue to be a thriving legal market."

Ryan A. Murr, who is co-partner-in-charge of Gibson Dunn's San Francisco office, told Law360 that the firm's success in the courtroom has mirrored its recent success advising clients in big-ticket transactions. He said the firm has been busy representing clients as they renegotiate leases and real estate deals in the wake of the COVID-19 pandemic.

"Coming out of the pandemic, it's been an interesting time," Murr said. "There's been a lot of remodeling the clay."

Last year, Gibson Dunn represented Beverly Hills real estate investment firm Kennedy Wilson Holdings Inc. and others in the acquisition of a \$5.4 billion real estate construction loan portfolio, and private equity firm Leonard Green & Partners LP on the closing of a \$2 billion continuation fund to acquire four portfolio companies.

And so far this year, the firm has represented global investment management company KKR in its \$1.6 billion acquisition of a 19-property student housing portfolio from Blackstone Real Estate Income Trust. Gibson Dunn also represented venture capital investment firm Constellation Wealth Capital on its investment in AITi Global Inc.

Gibson Dunn's California legal teams have also recently helped guide multiple nine-figure media and technology transactions, including representing ex-Disney CEO Michael Eisner's company on its \$700 million sale of Bazooka Candy Brands to Apex Partners LLP, and Fortress Investment Group on the \$350 million acquisition of VICE Media.

Last year, the firm also advised Shaquille O'Neal and his production company on its strategic partnership with the newly formed Authentic Studios, and earlier this year, the firm helped guide West Hollywood-based NTWRK, a digital media company founded by music industry legend Jimmy Iovine, in its acquisition of media company Complex from BuzzFeed.

Other notable Gibson Dunn-guided deals include advising an alcoholic beverage company founded by Dr. Dre, Snoop Dogg, Iovine and Main Street Advisors in the company's formation and equity financing, as well as in intellectual property matters. The firm also guided Universal Pictures in its partnership with Steven Spielberg's Amblin Entertainment and the merger of Blumhouse Productions and Atomic Monster.

The firm's California teams have additionally provided key counsel to Wells Fargo Securities and other underwriters in multiple 10-figure notes offerings, and they've steered multiple deals and offerings in the life sciences sector, including advising Royalty Pharma on a \$525 million acquisition and separate nine-figure stock offerings by Apogee Therapeutics Inc., Ultragenyx Pharmaceutical Inc. and Arrowhead Pharmaceuticals Inc.

Murr observed that the life sciences companies tend to "defy gravity" in terms of what is happening from a broader economic perspective due to their near constant need to raise capital, and he expects that trend to continue.

"Life sciences is an industry that seems to keep chugging along whether it's rainy or sunny outside," he said.

Murr added that he expects to see more private equity transactions in the coming months as the Federal Reserve takes steps to lower interest rates.

"I think it's sort of gotten to the point now that [private equity] is feeling a pent-up need to transact," he said, adding that lower interest rates should help.

In addition to its wins on behalf of corporate clients, last year Gibson Dunn's Los Angeles office secured a pair of six-figure settlement victories in pro bono cases arising from accusations of police violence during protests.

Gibson Dunn partner and pro bono chair Katie Marquart said protecting the civil rights of all members of society has always been a cornerstone of Gibson Dunn's pro bono practice, and the recent settlements reflect the firm's commitment to ensuring that "everyone, regardless of skin color, gender, or financial means, receives equal justice under the law."

--Additional reporting by Katherine Smith. Editing by Kristen Becker.