

Presentation to:

Citizens Redistricting Commission

July 2011





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Gibson Dunn – The Firm

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Gibson Dunn is a full-service global law firm, with **over 1,000 lawyers in 17 offices worldwide**, including nine offices in major cities throughout the United States and over 100 lawyers in our London, Paris, Munich, Brussels, Dubai, Hong Kong, Singapore and São Paulo offices. We are recognized for excellent legal service, and our lawyers routinely represent clients in some of the most complex and high-profile transactions in the world. We consistently rank among the top law firms in the world in published league tables.

We have a strong and growing transactional practice in Europe, Latin America, Middle East and North Africa and Asia. Singapore and Dubai are important cornerstones of our international strategy.



We will work tirelessly on the matters you have entrusted to us. We believe in developing strong, long-term client relationships and are well positioned to provide you with a superior service throughout the world.

GIBSON DUNN

Gibson Dunn – The Firm

Recent highlights of the Firm include:

- Gibson Dunn was named the 2010 **Litigation Department of the Year** by *American Lawyer*. In awarding this honor, the magazine dubbed Gibson Dunn's litigators the “Game Changers,” adding, “when other firms and conventional strategies come up short, clients in deep trouble turn to Gibson Dunn for fresh, aggressive thinking and innovative rescues.”
- *American Lawyer* ranked Gibson Dunn fourth on its 2011 A-List of the nation's law firm elite. The *American Lawyer* considers the 20 A-List law firms to be the most elite law firms in the country. The rankings are determined by financial performance, associate satisfaction, commitment to pro bono and diversity.
- *PLC Which Lawyer? – Global 50* named Gibson Dunn one of the Global 50 in its 2010 Yearbook. The Global 50 are recognized as the “law firms that received the greatest depth and breadth of recommendations.” Gibson Dunn also achieved 58 individual lawyer endorsements in various practice areas.
- *Corporate Board Member* magazine ranked Gibson Dunn fifth in its 2011 annual GC Top 25 Law Firms survey, based on a survey of 128 general counsels asked to name the outside law firms they most admire. The firm also ranked 11th in the publication's annual list of America's Best Corporate Law Firms, which lists the top 25 corporate firms based on the votes of 333 directors. In addition to the national rankings, the firm was named one of the top three law firms for the Los Angeles metro area.
- *Chambers USA: America's Leading Lawyers for Business 2011*, an independent and comprehensive research-based directory, awarded Gibson Dunn 204 rankings, with the firm and its attorneys achieving a total of 53 first-tier rankings, 15 of which were firm practice group rankings.
- The 2011 edition of *IFLR1000*, a guide to the world's leading financial law firms, recognized Gibson Dunn in six U.S. categories: Capital Markets – Debt and Equity, Capital Markets – High Yield Debt, Mergers and Acquisitions, Private Equity – Fund Formation, Private Equity – Transactions, and Restructuring and Insolvency. In addition, 11 partners were recognized as leading lawyers.
- *The Best Lawyers in America 2011* identifies 100 Gibson Dunn lawyers as leading lawyers in 30 practice areas, based on peer review.
- Gibson Dunn's clients include most of the Fortune 100 companies and nearly half of the Fortune 500 companies.

GIBSON DUNN

Appellate and Constitutional Law Practice

Appellate and Constitutional Law Practice

The Appellate and Constitutional Law Practice Group of Gibson Dunn is one of the nation's leading appellate practices with broad experience in complex appellate litigation at all levels of the state and federal court systems. In recognition of its achievements, Gibson Dunn was named the 2010 Litigation Department of the Year by *American Lawyer*. The publication noted that in case after case, Gibson Dunn litigators were the "Game Changers" who "stepped in when clients needed not just a law firm, but a rescue squad." In giving the award, the publication described Gibson Dunn's appellate practice as one of the firm's greatest assets.

Accolades

- *The National Law Journal* named Gibson Dunn to its 2011 Appellate Hot List, which recognized 17 firms that "made exemplary contributions to appellate practice during the past year" and "demonstrated an impressive track record overall." Additionally, Gibson Dunn was one of three firms featured under the Winning Strategies section, which profiled the firm's success for Chevron in the Lago Agrio litigation.
- US Legal 500 2011 ranked Gibson Dunn in Tier 1 in the category of Litigation: Appellate and Litigation: Supreme Court.

U.S. Supreme Court Litigation

Gibson Dunn has a strong and high-profile presence before the Supreme Court of the United States, appearing numerous times in the past decade in a variety of cases on behalf of the nation's leading corporations, U.S. states, presidential candidates, and others. Gibson Dunn has had more than 100 Supreme Court arguments among the firm's active lawyers. The firm's recent track record speaks for itself. In the last three terms (2008-2010), Gibson Dunn has argued 15 cases. Of those, the firm has won eleven. Moreover, while the grant rate for certiorari petitions is below 1 percent, Gibson Dunn's certiorari petitions have captured the Court's attention: Gibson Dunn has persuaded the Court to grant its certiorari petitions nearly 40 percent of the time in the last five years.

Four of our partners have served in the Office of the Solicitor General of the United States, the office charged with representing the United States before the Supreme Court. Theodore B. Olson was the U.S. Solicitor General from 2001 to 2004. Olson rejoined the Firm in July

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Appellate and Constitutional Law Practice

2004 as a partner in our Washington, D.C. office. *New York Times* columnist William Safire called Mr. Olson “this generation’s most persuasive advocate” (*New York Times*, November 8, 2004) and “the most effective constitutional lawyer in the nation” (*New York Times*, March 24, 2004). In addition, Thomas G. Hungar recently returned to the Firm after serving as Deputy Solicitor General since 2003. Mr. Olson and Mr. Hungar serve as co-chairs of the Appellate and Constitutional Law Practice Group, along with Miguel A. Estrada in Washington, D.C., Theodore J. Boutrous, Jr., in Los Angeles, and Daniel M. Kolkey in San Francisco.

Some of our recent representations in the U.S. Supreme Court include:

- Obtained a landmark victory for the world’s largest retailer when the Supreme Court unanimously reversed class certification of the biggest employment discrimination class in history. Rejecting a 6-5 decision by the en banc Ninth Circuit, the Court held that a class plaintiff must come forward with "significant proof" that an employer operated under a "general policy of discrimination." In a case where such proof "is entirely absent" and plaintiffs' evidence is "worlds away" from the required significant proof, the case lacks commonality and cannot proceed as a class action.
- Obtaining a landmark 5-4 decision holding that portions of the McCain-Feingold campaign finance law and other federal laws banning corporate and union expenditures on political speech violate the First Amendment.
- Obtaining a landmark ruling that the Constitution’s Due Process Clause requires a state judge to recuse himself where a litigant’s financial support for the judge’s election campaign creates a probability that the judge is biased.
- Obtaining a significant Supreme Court ruling for the Governor of Rhode Island that preserves Rhode Island’s ability to exercise sovereignty over land that the U.S. Department of the Interior sought to take into trust on behalf of an Indian tribe.
- Winning a unanimous Supreme Court victory on behalf of the New York State Board of Elections in which the Court upheld the constitutionality of the New York State judicial elections process.
- Winning a unanimous Supreme Court ruling in 2006 on behalf of a major automaker, in which the Court rejected a challenge by Ohio taxpayers to a state tax credit that rewards companies that locate plants within the state. The Court held that the state taxpayers lacked Article III standing to challenge the investment tax credit under the Constitution’s Dormant Commerce Clause.

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Appellate and Constitutional Law Practice

- Successfully serving as lead counsel for candidate George W. Bush in federal court litigation stemming from the disputed ballot counting in Florida during the 2000 presidential election. In less than three weeks, a team of Gibson Dunn appellate lawyers led by Mr. Olson successfully briefed and argued two cases before the Supreme Court, *Bush v. Palm Beach County Canvassing Board* and *Bush v. Gore*, both of which raised novel and complex issues of federal constitutional and statutory law.
- Obtaining a Supreme Court victory in 2005 on behalf of the State of Kansas in which the Court reversed a decision of the Tenth Circuit that placed significant constraints on states' taxation powers. The Court ruled that the State of Kansas could impose a motor fuel tax on distributors that later resell their fuel to an Indian tribe that operates a gas station and casino on its Kansas reservation.

California Supreme Court Litigation

Some of our recent representations in the California Supreme Court include:

- Convincing the California Supreme Court to order the dismissal of criminal charges brought against members of the Board of Trustees of the San Diego City Employees' Retirement System for alleged conflicts of interest. Our client could not be charged, the Court concluded, because her only financial interest in the contracts at issue was in pension benefits, which applied equally to thousands of employees. (*Lexin v. Superior Court of San Diego*)
- Persuading the California Supreme Court in June 2006 that the City and County of San Francisco could not sue our major financial-services client for violating the California False Claims Act, because cities and other public entities do not qualify as "persons" under the False Claims Act. (*California ex rel. Harris v. PricewaterhouseCoopers*)
- Successfully defending in August 2005 before the California Supreme Court Proposition 77, a comprehensive electoral redistricting measure, and securing a ruling on behalf of the proponents of Proposition 77 that will guide both the timing and nature of future legal challenges to initiative measures in California.
- Convincing the California Supreme Court in June 2005 to reject the "aggregate profit disgorgement approach" to punitive damages, and thereby hold that a \$10 million punitive award against a major automaker was excessive and unconstitutional in a "Lemon Law" case. (*Johnson v. Ford Motor Co.*)
- Successfully representing The New York Times in a pleading challenge affirmed by California Supreme Court to California's Unfair Competition Law and intentional tort claims for failure to include William Peter Blatty's book, "Legion," on The New York Times' "Best Sellers List." (*Blatty v. New York Times*)

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Appellate and Constitutional Law Practice

- Defeated class certification, and obtained affirmance by California Supreme Court, on a claim seeking creation of a medical monitoring program for a proposed class of 50-100,000 persons allegedly exposed to contaminated groundwater. (*Carrillo v. Lockheed Martin Corporation*)
- Representing Lockheed Martin Corporation and Highland Supply Corporation in a mass toxic tort lawsuit in San Bernardino County, California, involving a putative class and over 800 plaintiffs in Redlands, California, claiming personal injuries, wrongful death, medical monitoring and property damage resulting from alleged exposure to chemicals in drinking water. An unparalleled string of significant victories have been achieved in the Court of Appeal and the California Supreme Court in this matter. In the latest ruling, Lockheed Martin prevailed in all of the “First-Tier” cases, and proceedings have begun against the “Second-Tier” plaintiffs. (*Lockheed Martin Corporation; Highland Supply Corporation -- In re Redlands Tort Litigation*)
- Representing Aetna Health of California, Inc., Cingular Wireless LLC, and AT&T Wireless Services as amici curiae on behalf of Lockheed Martin before the California Supreme Court. Adopting arguments of amici, the California Supreme Court concluded that the disgorgement of profits is not an authorized remedy in an individual action under California’s Unfair Competition Law where the alleged profits constitute neither money taken from the plaintiff nor funds in which the plaintiff has an ownership interest. (*Aetna Health of California, Inc., AT&T Wireless Services, Cingular Wireless LLC -- Korea Supply v. Lockheed Martin*)
- Representing Compaq in a representative action filed under California’s Unfair Competition Law challenging Compaq’s shipping and handling policies. Secured dismissal of complaint based on application of Proposition 64. Plaintiff dismissed its appeal of this judgment following ruling by California Supreme Court that tracked the analysis in Gibson Dunn’s amicus brief (*Jarvis v. Compaq Computer Corp.*)
- Representing General Foods in its pleading challenge to a consumer class action alleging fraud and violation of the Unfair Competition and False Advertising Laws in advertising of sugared cereals to children. Defeated plaintiffs’ efforts before the California Supreme Court to pursue a private right of action under California’s Unfair Competition and False Advertising Laws for damages. After more than 10 years of litigation, the case settled very favorably with a consumer education campaign funded by General Foods. Successfully defended this settlement against attack by perpetual objectors’ counsel, Lawrence W. Schonbrun. (*Committee On Children’s Television v. General Foods*)

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Appellate and Constitutional Law Practice

- Representing Lucky Stores in California Unfair Competition Law private attorney general action seeking injunction and \$10 billion restitution as a result of allegedly unlawful sales of cigarettes to minors. Argued before the California Supreme Court on question of whether plaintiff can circumvent absence of private right of action in underlying statute by crafting Unfair Competition Law claim. Settled case for injunctive relief involving employee education and compliance monitoring. (*Stop Youth Addiction v. Lucky Stores, Inc.*)
- Filed amicus briefs on behalf of the Product Liability Advisory Council in California Court of Appeal and California Supreme Court in *Howard v. Ford Motor Co.* attacking trial court's order certifying a massive "no injury" class action concerning alleged ignition switch defect. (*Howard v. Ford Motor Co.*)
- Successfully represented the Governor of California in the redistricting litigation before the California Supreme Court.

Federal Court Judgments

- Successfully representing the plaintiffs in *Perry v. Schwarzenegger*, a federal challenge to California's denial of marriage to gay and lesbian individuals. After a three-week trial, U.S. District Court Judge Vaughn Walker in San Francisco held in August 2010 that Proposition 8 is unconstitutional under both the Due Process and Equal Protection Clauses because it fails to advance any rational basis in singling out gay men and lesbians for denial of a marriage license. The case currently is on appeal before the Ninth Circuit, which asked the Supreme Court of California to answer a question relating to whether the proponents of Prop. 8 have standing to appeal. (*Perry v. Schwarzenegger*)
- Winning a landmark dismissal of a multi-billion dollar "global warming" lawsuit brought by the California Attorney General against six major automakers. In September 2007, the U.S. District Court for the Northern District of California granted the automakers' motion to dismiss the lawsuit on political question grounds. In June 2009, the Attorney General withdrew the appeal and agreed to dismiss the lawsuit with prejudice
- Representing Philip Morris USA, Inc. in a pathbreaking legal challenge to a New York City regulation requiring tobacco retailers to post graphic anti-smoking signs at the point of sale. U.S. District Judge Jed S. Rakoff ruled in favor of Philip Morris USA. Philip Morris USA, joined by R.J. Reynolds Tobacco Co., Inc., Lorillard Tobacco Company, and several local retailers and retailer associations, moved to enjoin the Resolution, arguing that it was preempted by federal law and violated the First Amendment. The Court held the Resolution was preempted and therefore is "null and void." The case was one of first impression: Never before had a federal court determined that the federal Labeling Act barred state and local governments from requiring anti-smoking signs at the point of sale.

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Appellate and Constitutional Law Practice

- Successfully represented Comcast in a landmark case where the U.S. Court of Appeals for the D.C. Circuit abolished Federal Communications Commission limits on cable market share. In 2001, the D.C. Circuit threw out on First Amendment grounds an FCC rule that barred cable operators from controlling more than 30 percent of the nationwide market, but, in 2007, the FCC re-established the 30 percent rule. Comcast argued that the FCC's calculations were based on pre-2001 data that ignored satellite television's increasing market share, and the court agreed.
- Successfully litigating a major separation-of-powers appeal in which the U.S. Court of Appeals for the D.C. Circuit upheld the constitutionality of a section of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act.

Appellate and Constitutional Law Nationwide

Our lawyers have participated in appeals in all 13 federal courts of appeals and state appellate courts throughout the country in matters involving a wide array of constitutional, statutory, regulatory, and common law issues. Gibson Dunn has a truly national practice before state appellate courts. We have significant experience not only in the courts of the U.S. jurisdictions in which the firm maintains offices (California, New York, Washington, D.C., Texas and Colorado), but in jurisdictions across the country.

Some of our significant appellate and constitutional law representations include:

- Securing reversal by the California Court of Appeal of a trial-court ruling dismissing Walgreen Co.'s federal and state constitutional challenges to San Francisco's tobacco ordinance. Agreeing with Gibson Dunn, the court concluded that despite the deferential standard applicable to Walgreen's claim, the company's complaint adequately asserted equal-protection violations because there was no rational basis for the distinction San Francisco drew between drug stores and grocery stores. The court also cautioned San Francisco that the appeal precludes any further litigation over whether Walgreen's complaint states valid claims. As a result, the City amended its ordinance.
- Representing Universal Paragon Corporation in an appeal challenging an \$8 million arbitration award that enforced an unusual contingency fee agreement. The appeal raised a number of issues of first impression, including whether a contingency fee agreement that bases the contingent fee on a damage estimate, rather than the value of the recovery, violates California public policy and whether a contingency fee that appropriates a client's entire recovery violates California public policy.

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Appellate and Constitutional Law Practice

- Persuading the California Court of Appeal to uphold a special state law allowing counties to continue providing supplemental benefits to state-court judges—benefits representing a substantial portion of judges’ compensation. Relying heavily on arguments advanced by Gibson Dunn, which represented the Los Angeles County Superior Court, the Court rejected each of the plaintiff’s claims that the law violated the California Constitution.
- Persuading the California Court of Appeal to vacate a \$30 million jury verdict against a law firm where a former client alleged that the firm had committed malpractice by missing a statute of limitations.
- Obtaining a precedent-setting decision regarding the Americans with Disabilities Act from the *en banc* U.S. Court of Appeals for the Ninth Circuit. The *en banc* panel overruled an earlier Ninth Circuit decision that had placed a higher burden on employers seeking to use safety-based qualification standards than intended by Congress.
- Obtaining a significant *pro bono* victory in March 2007 before the *en banc* U.S. Court of Appeals for the Federal Circuit on behalf of a disabled veteran concerning equitable tolling under the Uniformed Services Employment and Reemployment Rights Act.
- Convincing the U.S. Court of Appeals for the Federal Circuit in June 2005 to uphold the dismissal of two patent infringement claims against our client, a university-affiliated medical company.
- Persuading the Arkansas Supreme Court in April 2007 to recognize that corporate officers and directors have a fiduciary duty to disclose their own wrongdoing against the company before entering into lucrative retirement agreements with the company.

Representation of Public Agencies, Boards and Commissions

- Representing the Kansas Department of Revenue in its successful effort to collect its motor fuel tax from an Indian Tribe that had resisted payment on the basis of tribal sovereignty. The Prairie Band Potawatomi Nation brought suit seeking a declaratory judgment prohibiting the State of Kansas from imposing its motor fuel tax on fuel distributors who subsequently resold their fuel to the Nation, which operates a gas station and casino on its Kansas reservation. The decision was a significant victory for States attempting to regulate tribes’ economic activity.
- Representing the New York City Comptroller, obtained a victory in the New York Supreme Court, Bronx County, rejecting a motion to renew and reargue of the City of New York and its Department of Homeless Services (DHS) and ruling in favor of the NYC Comptroller and other petitioners. The Court found that the City and DHS circumvented the City Charter and Procurement Policy Board Rules by funding homeless shelters through “handshake agreements” with landlords rather than by registering contracts with the City Comptroller's office as required.

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Appellate and Constitutional Law Practice

- Representing the New York State Board of Elections, winning a unanimous Supreme Court victory in which the Court upheld the constitutionality of the New York State judicial elections process. (*New York State Board of Elections v. Lopez Torres*)
- Representing members of the Board of Trustees of the San Diego City Employees' Retirement System, persuaded the California Supreme Court, in a unanimous opinion addressing issues of first impression concerning state conflict of interest law, to dismiss felony criminal charges that had been pending for nearly five years against the former members of the Board of Trustees of the San Diego City Employees' Retirement System. (*Lexin v. Superior Court of San Diego*)
- Representing the City of Monterey Park and Athens Services in the California Court of Appeal, Second Appellate District. At issue in the appeal was the ability of California cities who award exclusive solid waste handling franchises to limit the so-called "continuation rights" of competing solid waste disposal companies. The City of Monterey Park awarded an exclusive franchise to Athens Services. Pursuant to California law, the City then notified eligible, competing disposal companies that they could continue to provide services within the City for a period of five years, but only to their existing customers. After the City codified this "existing customer" restriction in a local ordinance, a competing disposal company, Valley Vista, brought suit against the City and named Athens as a real party in interest. Valley Vista contended that the City's ordinance conflicted with California law and was thus void. During a bench trial, the trial court ruled that the City's ordinance did not conflict with California law. On appeal, Gibson Dunn argued that the trial court's judgment should be affirmed. The Court of Appeal unanimously agreed and issued a published opinion that largely tracked Gibson Dunn's brief.

Legal and Strategic Counseling

In addition to our traditional appellate litigation activities, the Appellate and Constitutional Law Practice Group provides strategic counseling and advice regarding constitutional and other issues arising outside the appellate context. We brief and argue constitutional and other complex legal issues in trial courts and assist in ensuring that legal arguments are developed and preserved for appeal. We also develop and advance constitutional and policy arguments concerning proposed legislation and regulations. For example, we have been leading national advocates of civil justice reform, testifying before Congress and state legislatures and writing and speaking out about costly, capricious and unpredictable aspects of America's civil justice system.

Members of our Practice Group develop and manage complex litigation involving constitutional issues. For example, in the U.S. Supreme Court, we secured a groundbreaking decision that portions of the McCain-Feingold campaign finance law violated the First Amendment. We obtained another landmark victory when the Court held that the Due Process Clause requires a state judge to recuse himself where a litigant's financial support for the judge's election campaign creates a probability that the judge is biased. In addition, Gibson Dunn currently represents the plaintiffs in *Perry v. Schwarzenegger*, the first federal

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Appellate and Constitutional Law Practice

case to consider whether gay men and lesbians are guaranteed the freedom to marry under the U.S. Constitution. After a three-week trial, a federal district court in San Francisco held that California's Proposition 8 is unconstitutional under both the Due Process and Equal Protection Clauses because it fails to advance any rational basis in singling out gay men and lesbians for denial of a marriage license. The case is currently on appeal to the Ninth Circuit.

We assist clients in developing novel or complex legal theories, sometimes long before suit is filed. For example, we often are asked to advise clients as to whether a constitutional challenge can be mounted against governmental statutes or whether regulations stand as an obstacle to a proposed transaction or business plan. Working closely with the Firm's Public Policy Practice Group, we also analyze proposed legislation and regulations from both legal and policy perspectives, testify before Congress and state legislatures, and engage in other forms of legislative and public policy advocacy.

We also provide strategic counseling to government entities on a wide array of legal issues, allowing them to anticipate legal challenges and to avoid needless litigation. We have served as advisors to several governors in California and Florida and served as Governor Arnold Schwarzenegger's lead negotiator for tribal-state compacts under the Indian Gaming Regulatory Act.

Shaping the Litigation Environment

We are known for being aggressive, creative appellate lawyers and constitutional law experts. Not only do we try to win each case, but we also seek to address the root causes of our clients' legal difficulties and, if possible, improve the legal, social and policy environments in which our clients' rights will be decided.

When a client confronts a recurring or otherwise significant issue on appeal, it very often is not enough simply to win the case at hand. Some issues are so important, and implicate so many different legal, social and policy concerns, that they deserve special attention. We specialize in assisting clients in developing and implementing a comprehensive approach to such problems, and ensuring, to the greatest extent possible and appropriate, that our clients' positions are fully and properly understood by the public, the media and all relevant decision makers.

Professional Profiles

Theodore J. Boutrous, Jr.



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Theodore J. Boutrous, Jr., a partner in the Los Angeles and Washington, D.C. offices of Gibson, Dunn & Crutcher, is Co-Chair of the firm's Appellate and Constitutional Law Group, its Media and Entertainment Group, the Crisis Management Group, and the Transnational Litigation and Foreign Judgments Group. He is a member of the firm's Executive and Management Committees.

Mr. Boutrous has represented clients in the federal and state appellate courts throughout the nation in a wide spectrum of cases, including punitive damages, class action, securities, employment, environmental, insurance, product liability, antitrust, business torts, privacy, arbitration, criminal and constitutional litigation. He is responsible for the nationwide appellate strategy for several major companies, and has successfully persuaded courts to overturn some of the largest jury verdicts in history.

Mr. Boutrous also represents media organizations, reporters, and others in a wide array of First Amendment, access, subpoena, defamation, freedom of information, prior restraint, newsgathering and copyright matters.

As both a crisis management strategist and a seasoned appellate and media lawyer, Mr. Boutrous has wide-ranging experience handling high-profile litigation, media relations and media legal issues. He routinely advises clients in planning how to respond, and in responding, to crises and other especially significant legal problems that attract the media spotlight and provides strategic counseling to address legal, legislative, regulatory and public relations aspects of such matters.

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Professional Profiles

Mr. Boutrous was named one of the 2009 Attorneys of the Year by the San Francisco *Recorder* legal newspaper. For six years in a row, the Los Angeles and San Francisco *Daily Journals* named Mr. Boutrous one of the 100 best lawyers in California. *The American Lawyer* has called him “a media law star.” The *Los Angeles Business Journal* has called him “one of the nation’s most prominent appellate attorneys.” In 2002 Mr. Boutrous received the ACLU of Southern California’s First Amendment Award. He is Vice-Chair of the Board of Directors of the International Women’s Media Foundation and a member of the Board of Directors of the California Supreme Court Historical Society.

Numerous profiles of Mr. Boutrous and his practice have appeared in the media. Prominent mentions include: “Litigation Department of the Year,” *The American Lawyer* (January 2010); “The Kill Step,” *The American Lawyer/Corporate Counsel* (October 2009); “Anatomy of a Complaint,” *California Lawyer* (January 2010); “Litigator of the Week,” *Am Law Litigation Daily* (February 20, 2009); “He’s a Hired Gun of the Highest Caliber,” *The Los Angeles Times* (June 24, 2007); “Special Appeal,” *Los Angeles Business Journal* (July 26, 2004); “Jackson Case Stirs First Amendment Guru,” *Daily Journal Extra* (February 23, 2004); and “45 under 45,” *The American Lawyer* (January 2003).

Mr. Boutrous is a frequent commentator on legal issues. His articles on appellate issues include “Due Process for Exxon,” *Wall Street Journal* (October 23, 2007); “Successfully Challenging Punitive Damage Awards: Winning Strategies After *State Farm v. Campbell*” (2003 Monograph, National Legal Center for the Public Interest); “What’s Next for Punitive Damage Awards,” *Wall Street Journal* (May 29, 1996); and “Constitutional Challenges to Punitive Damages after *BMW v. Gore*” (1998 Monograph, National Legal Center for the Public Interest).

His extensive writings on First Amendment and media law issues include “The Four Myths Surrounding the Common Law Reporter’s Privilege,” *Media Law Resources Center* (January 2007); “Memory Abuse,” *Wall Street Journal* (January 13, 2007); “First Amendment on Trial,” *Wall Street Journal* (August 19, 2006); “Rule 6(e) and the Public’s Right to Know,” *Wall Street Journal* (August 17, 1998); “Judicial Proceedings and Records ‘Ancillary to the Grand Jury’ in High-Profile Cases,” *Media Law Resource Center* (January 2005); “Celebrity Justice: A New Double Standard,” *ABA Communications Lawyer* (Fall 2004), at 3; “Retooling the Federal Common-Law Reporter’s Privilege,” *Communications Lawyer*, Vol. 17, No. 1 (Spring 1999); and “Why an Expanded Common-Law Privilege Should Also Protect the Media,” *Communications Lawyer*, Volume 15, Number 1 (Spring 1997).

Mr. Boutrous received his law degree, *summa cum laude*, from the University of San Diego School of Law in 1987, where he was Valedictorian and Editor-in-Chief of the *San Diego Law Review*.

Representative Appellate and Constitutional Cases

- Serving as lead counsel for Walmart in the Supreme Court of the United States challenging an order certifying the largest employment class action in American history; oral argument took place on March 29, 2011.
- Serving as one of the lead lawyers for the plaintiffs in the pending federal constitutional challenge to California’s ban on same-sex marriage, Proposition 8.

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Professional Profiles

- Serving as national strategic and appellate counsel for Dole Food Company, Inc. in a series of toxic tort claims brought by plaintiffs from Central American countries alleging sterility due to exposure to the pesticide DBCP. Persuaded Los Angeles Superior Court Judge Victoria Chaney to dismiss two cases brought by Nicaraguan plaintiffs on grounds of “fraud on the court”; also persuaded United States District Court Judge Paul Huck in Miami to deny enforcement of a \$97 million Nicaraguan judgment based on the lack of due process and the absence of fair and impartial tribunals in that country.
- Representing Chevron Corporation in the Lago Agrio environmental litigation based in Ecuador in which plaintiffs are seeking billions of dollars in damages.
- Persuading a federal district court to dismiss the California Attorney General “public nuisance” lawsuit against six major automakers seeking billions of dollars in alleged damages supposedly suffered by the State as a result of global warming caused by auto emissions.
- Persuading the United States Court of Appeals for the Tenth Circuit to affirm dismissal of a securities class action seeking \$3 billion in damages, based on the unreliability of the plaintiffs’ expert testimony on loss causation.
- Persuading the California Supreme Court, in a unanimous opinion addressing issues of first impression concerning state conflict of interest law, to dismiss felony criminal charges that had been pending for nearly five years against former members of the Board of Trustees of the San Diego City Employees’ Retirement System.
- Persuading the United States Supreme Court to vacate a \$290 million punitive damage award against Ford Motor Company, which had been the largest personal injury award ever affirmed on appeal in United States history. On remand the California Court of Appeal cut the award by over 90%.
- Persuading the United States Court of Appeals for the Fourth Circuit to reverse a \$262 million damage award – at the time, the third largest verdict ever against an auto manufacturer – against DaimlerChrysler Corp. in a product liability case.
- Persuading a federal district court, on behalf of *The Wall Street Journal*, to overturn the largest libel verdict in history (\$222 million) based on lack of evidence and “serious misconduct” of the plaintiff during discovery and trial, and devising a strategy that caused the plaintiff to dismiss its case entirely.
- Persuading the California Supreme Court, in one of its leading decisions on punitive damages, to reject an “aggregate profit disgorgement approach” and thereby hold that a \$10 million punitive damage award was excessive and unconstitutional.
- Persuading the United States Court of Appeals for the Ninth Circuit to reverse in published decision a District Court judgment that some Farmers Insurance Group claims adjusters were subject to federal overtime laws and to throw out a \$52.5 million judgment in the collective action.

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Professional Profiles

- Persuading the Michigan Supreme Court to overturn the largest sexual harassment verdict in U.S. history (\$21 million).
- Representing major media organizations (including NBC, CBS, ABC, CNN, Fox, *The New York Times*, *Los Angeles Times*, *USA Today*, the Associated Press, and *The Washington Post*) in seeking public access to secret judicial proceedings and records in the California criminal trial against Michael Jackson.
- Representing numerous parties and amicus curiae before the Supreme Court of the United States, including playing a leading role for over two decades in challenging the constitutionality of punitive damages.

GIBSON DUNN

Professional Profiles

George H. Brown



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George H. Brown is a partner in the Palo Alto office of Gibson, Dunn & Crutcher and a member of the Litigation Department. Mr. Brown practices in the areas of complex securities litigation, accountants' liability and corporate governance. He has represented officers, directors, board committees and the professionals who serve those corporate constituencies in class action securities litigation, internal company investigations, regulatory and grand jury investigations, derivative actions, arbitration proceedings, and related matters. He regularly represents accounting firms in a wide variety of disputes proceedings and regulatory settings.

Prior to joining the firm, Mr. Brown practiced with Heller Ehrman and O'Melveny & Myers. He was also previously a law professor at UCLA School of Law, where he taught contracts, business associations, and securities regulation courses. He is a licensed Certified Public Accountant (inactive).

He currently serves as Co-Chair of the Board of Directors for the Lawyers Committee for Civil Rights in San Francisco and has been a member of the board since 2005.

He received a joint JD/MBA in 1988 from UCLA, where he served as editor-in-chief of the National Black Law Journal.

Securities and Corporate Governance Representation:

- Representing Big 4 accounting firm in multi-billion dollar shareholder class action involving Fannie Mae.
- Represented commercial mortgage investment REITs in investor class action concerning appraisal rights in San Diego County Superior Court.
- Represented commercial mortgage investment REITs in group actions by investors concerning challenges to merger transactions in state court proceedings in Las Vegas, Nevada.

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Professional Profiles

- Represented Audit Committee and Special Litigation Committee of a Silicon Valley technology company in an internal investigation of stock option practices, and related matters.
- Represented CEO of a Silicon Valley technology company in connection with internal investigation and SEC investigation relating to past stock option practices.
- Represented Chief Financial Officer of a Silicon Valley technology company in connection with Special Committee investigation into stock option practices and related shareholder derivative actions in U.S. District Court, Northern District of California, and in Santa Clara County Superior Court.
- Represented Big 4 accounting firm in a multi-billion dollar claim relating to shareholder class actions with New Jersey based consumer marketing company.
- Represented interim CEO of a mobile media and entertainment provider who was appointed by venture capital investors to replace founders in connection with lawsuit by founders involving dispute over voting rights agreement and related corporate governance issues.
- Represented Provident Financial Corporation in a shareholder class action alleging failure to disclose numerous alleged fraudulent consumer practices in connection with subprime credit card lending.
- Represented Symantec Corporation in connection with shareholder class action alleging revenue recognition fraud.
- Represented Big 4 accounting firm in securities fraud class action, related derivative lawsuits, opt-out cases, and SEC investigations arising out of alleged revenue recognition fraud committed by a Silicon Valley technology company.
- Represented Ireland affiliate of Big 4 accounting firm in connection with shareholder class action arising after a 2002 merger with SkillSoft Corporation.
- Represented Ireland affiliate of Big 4 accounting firm in connection with SEC investigation arising out of announced restatement of financial statements based on incorrect software revenue recognition by SmartForce Plc.
- Represented accounting firm in connection with shareholder class action based on alleged revenue recognition fraud. Successfully forced plaintiffs to voluntarily dismiss all claims with prejudice after prevailing on motion to compel responses to subpoenas directed to plaintiffs' counsel's law firms concerning evidence to support statute of limitations inquiry notice argument.

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Professional Profiles

Marcellus Antonio McRae



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Marcellus Antonio McRae is a partner in the Los Angeles office of Gibson, Dunn & Crutcher. He is Co-Chair of the firm's White Collar Defense and Investigations Practice Group and a member of the firm's Litigation, Labor and Employment, and Media and Entertainment Practice Groups. Mr. McRae's litigation and white-collar criminal defense practices focus on a wide variety of business disputes, internal investigations, and criminal prosecutions including defense of individuals and corporations in cases involving allegations of: financial fraud, public corruption, and violation of federal and state environmental laws, health care fraud, wrongful death, criminal antitrust violations, and other matters. He also represents and advises employers in a broad range of employment and labor matters including gender and race discrimination cases, wrongful termination and whistleblower claims, sexual harassment cases, and retaliation claims.

Mr. McRae has first chaired numerous jury trials, bench trials, and arbitrations in both federal and state courts. He also writes and speaks on trial and litigation skills, white-collar criminal defense, labor and employment law, and other topics. From 1995 until joining Gibson, Dunn & Crutcher in February 1998, Mr. McRae served as an Assistant United States Attorney with the Criminal Division, Major Frauds Section, of the United States Attorney's Office in Los Angeles. While he was an Assistant United States Attorney, Mr. McRae investigated and prosecuted complex white-collar crimes (tax, securities, bankruptcy, and other business frauds) and traditional crimes that involved both jury and non-jury trial experience with a 100 percent conviction rate at trial. He also drafted numerous appellate briefs filed in the Ninth Circuit Court of Appeals and had several arguments before the Ninth Circuit Court of Appeals. Prior to joining the United States Attorney's Office, Mr. McRae was an associate with Debevoise & Plimpton.

Trials and Litigation

- Defending major corporations in qui tam litigations and parallel proceedings involving False Claim Act violation allegations.

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- Successful defense at trial of Vestin Realty Mortgage I and II in a nationwide class action alleging that the merger of funds into the trusts constituted a “roll up.”
- Successful defense of Nutro Products, Inc. in an eight-week jury trial in a mass action in which homeowners claimed that the company’s production facility emitted a nuisance odor.
- Representation of an I.R.A. administrator in a class action against claims that it aided and abetted a fraud against investors.
- Representation of Pacific Maritime Association and members in a federal court action involving claims of gender and race discrimination, harassment and retaliation.
- Successful defense of Dean Witter Reynolds, Inc. in a jury trial against allegations that it defrauded California Union Insurance Company into issuing performance and property coverage on several wind turbine farms.
- Successful defense at trial of a film and television celebrity in a palimony action.
- Representation of Deloitte & Touche LLP in a state court action involving allegations of age and race discrimination.
- Representation of PricewaterhouseCoopers in a state court action involving allegations of gender discrimination and failure to promote.
- Representation of United Parcel Service in a state court action involving allegations of sexual harassment.
- Successful defense of one of world’s leading media and entertainment companies in a three-week arbitration involving claims for profit participation in a syndicated series.
- Successful defense of ConAgra Foods, Inc. in a four-week jury trial involving breach of contract and fraud claims arising from the termination of a beef distribution relationship.

White Collar Defense and Investigations

- Represented major corporations in federal grand jury investigations involving contract and payment disputes with various regulatory agencies.
- Defended municipality in a federal criminal investigation alleging Clean Water Act violations. No charges were filed.
- Defended retailers in civil class action and criminal proceedings involving pricing accuracy claims.
- Defended elected official in a public corruption investigation. No charges were filed.

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- Defended food and beverage manufacturers in federal criminal investigations alleging Clean Water Act violations.
- Defended maritime company in federal criminal investigation alleging violation of the Act to Prevent Pollution from Ships. No charges were filed.
- Conducted a wide range of internal investigations concerning financial controls and procedures, executive misconduct, government contracting improprieties, and alleged violations of federal election campaign laws, federal communications commission rules and regulations, kickback, fraud, and other federal and state laws.

Professional and Community Associations

Mr. McRae was a 2003-04 co-chair of the Lawyer Delegates to the Ninth Circuit - Central District of California. He has also served as an adjunct professor of Advanced Trial Advocacy at Loyola Law School and is an instructor at the national level of the National Institute of Trial Advocacy. Mr. McRae has conducted mock jury trial demonstrations at numerous national American Law Institute-American Bar Association conferences and has been a featured panelist at numerous professional seminars regarding a wide range of topics including trial advocacy, individual and corporate criminal defense, federal sentencing guidelines, and employment litigation. He has also appeared repeatedly on television and radio as a legal commentator.

Mr. McRae has also been a chair of the Environmental Crimes Committee for the West Coast Chapter of the American Bar Association and is a former member of the Board of Directors of the Federal Bar Association; the Executive Committee of the Criminal Justice Section of the Los Angeles County Bar Association; the Attorney Discipline Committee for the Central District of California; and the Attorney Admissions Fund Board for the Central District of California, the Steering Committee of the California Minority Counsel Program and the LAPD Police Commission Rampart Review Panel.

Mr. McRae is currently a member of the Board of Advocates of Human Rights First; the Los Angeles County Bar Association Committee on Diversity in the Profession; the Board of Directors of Public Counsel; Friends of the Los Angeles County Law Library; and the Board of Directors of Big Brothers Big Sisters.

Publications and Acknowledgments

Mr. McRae was listed among the top “20 Under 40” California lawyers by the *Daily Journal* in 2003. In January 2004, Mr. McRae was selected by *Law & Politics* magazine as one of California’s “Superlawyers” in the area of Business Litigation, based on a survey of more than 65,000 California lawyers. He was named in 2006 among the “New Stars, New Worlds” by *Lawdragon* magazine, which features up-and-coming talent and lawyers with fascinating new practices. He has also authored several articles including “First Steps in Handling Federal Litigation,” published by Practical Law Company in 2010; “Is Government Knowledge a Defense to False Claims Liability: A Discussion of the Role of Government Knowledge Under the California and Federal False Claims Acts,” published by BNA, Inc.,

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Federal Contracts Report, Volume 84, No. 11, September 27, 2005; “Gauging Organizational Exposure to Environmental Criminal Liability: A Comparison of the Proposed Environmental Sentencing Guidelines to the Organizational Guidelines and the Department of Justice’s Revised Principles of Federal Prosecution of Business Organizations,” published by the American Bar Association for the National Institute on White Collar Crime in March 2004; “Proof and Pretext: *Reeves* provides some clarification of the burden-shifting formula in employment discrimination lawsuits,” published by the *Los Angeles Lawyer* in March 2004; “Seeking and Defeating Summary Judgment In Light Of *Reeves v. Sanderson Plumbing Products And Its Progeny*” which was published in the ALI-ABA Course of *Study-Employment Discrimination and Civil Rights Actions in Federal and State Courts*, Volume 1 in May 2003; and “Grace Under Pressure: Fifteen Steps You Should Take To Manage a Search of Your Client’s Office Pursuant to a Federal Warrant” published in the *Corporate Counsel’s Quarterly* and *The Lawyer’s Brief*, Volume 18, No. 3 in July 2002. He is also the co-author of “Closing Arguments,” Chapter 37, *Business and Commercial Litigation Treatise*, West Publishing, 1998.

Education

Mr. McRae received his law degree from Harvard Law School in 1988. He earned a B.A. degree *summa cum laude* in 1985 from the University of California at Los Angeles, where he was elected to Phi Beta Kappa.

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Professional Profiles

Sally J. Berens



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Sally J. Berens is an associate in the Palo Alto office of Gibson, Dunn & Crutcher LLP. She practices in the firm's Litigation Department and is a member of the Securities Litigation, White Collar Defense and Investigations, and Appellate Practice Groups. She focuses on internal investigations, complex commercial and class action litigation, including securities and ERISA litigation, and representing clients before various governmental agencies, including the Securities and Exchange Commission, the NYSE, FINRA, the Department of Justice, and the Department of Labor. She also has litigated cases pursuant to the Federal and California Voting Rights Acts. She has a breadth of experience practicing before state and federal trial and appellate courts, ranging from first chair jury trial experience to briefing before the United States Supreme Court.

Ms. Berens has an active pro bono practice and is the immediate past Co-Chair of the Amicus Committee of the Silicon Valley Campaign for Legal Services.

Prior to joining the firm, Ms. Berens clerked for the Honorable Andrew J. Kleinfeld of the United States Court of Appeals for the Ninth Circuit. She has also served as a Deputy District Attorney in Santa Clara County, California. She is admitted to practice in California and before the U.S. District Courts for the Northern, Central, and Eastern Districts of California, the Eastern District of Texas and the U.S. Courts of Appeal for the Ninth and Tenth Circuits.

Ms. Berens earned her law degree with honors from the University of Chicago, where she was an Articles Editor of the *University of Chicago Legal Forum*. She received her A.M. in Comparative Literature and A.B. in Linguistics *magna cum laude* from Harvard. During college, she was awarded individual All-American honors as a member of the Harvard-Radcliffe Sailing Team.

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Recent Publications

Co-author, *The Scope of Materiality under Federal Securities Laws Following Matrixx Initiatives, Inc. v. Siracusano and Its Potential Implications for Issuers*, Insights: The Corporate and Securities Law Advisor (April 2011)

Author, *The Effect of Other Lawsuits on Pleading Materiality and Scierter after Siracusano v. Matrixx Initiatives, Inc.*, 2010 Emerging Issues 4891 (February 2010).

Co-author, *Daubert Challenges to Loss Causation Expert Opinions and Event Studies in Post-Dura Securities Litigation: In re Williams Securities Litigation – WCG Subclass*, 2009 Emerging Issues 3970 (July 2009).

Co-author, *Securities Litigation: A Practitioner's Guide*, Practising Law Institute (2006-11).

Contributing Author, *Current Trends in Federal Securities Litigation*, Practising Law Institute, Securities Litigation and Enforcement Institute (October 2007).

Contributing Author, *Current Trends in Federal Securities Litigation*, ALI-ABA Post-Graduate Course in Federal Securities Law (June 2007).

GIBSON DUNN

Professional Profiles

Matthew S. Kahn



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Matthew S. Kahn is a senior associate in the San Francisco office of Gibson, Dunn & Crutcher LLP. He practices in the firm's Litigation Department, and he is a member of the Securities Litigation Group, the Class Actions Group, and the Electronic Discovery and Information Law Group.

Mr. Kahn's practice focuses on securities and derivative litigation, consumer and wage-and-hour class action defense, and information law. He has successfully represented clients throughout the country in complex cases in federal and state court, involving claims, among others, under Section 10(b) of the Securities Exchange Act of 1934; breach of fiduciary duties and insider trading under Delaware, California and New York law; California's Unfair Competition Law and Consumer Legal Remedies Act; and the federal Fair Labor Standards Act. Mr. Kahn also has significant experience in the prosecution and defense of commercial contracts and business tort actions. In addition, Mr. Kahn has extensive expertise regarding complex information law matters in numerous federal and state jurisdictions.

Mr. Kahn clerked for the Honorable Mary L. Cooper, United States District Judge for the District of New Jersey, from 2003 to 2004. Mr. Kahn received his law degree, with honors, from Stanford Law School in 2003. He received his B.A. in political science with honors, from Swarthmore College in 1999, where he was elected to Phi Beta Kappa.

Mr. Kahn serves on Gibson Dunn's Hiring Committee and Bay Area Pro Bono Committee and is on the Board of Directors of the Public Interest and Social Justice Law Board at Santa Clara University School of Law, which supports public interest and social justice legal work, and Parallel Exit, a not-for-profit theater company. Mr. Kahn is an active provider of pro bono legal services, including representation of Tipping Point Community, on whose Leadership Council Mr. Kahn also serves. In 2009, Mr. Kahn won an appeal against the German government on behalf of a Holocaust survivor who had been denied pension benefits. In 2008, Mr. Kahn was honored for his pro bono efforts on behalf of victims of domestic violence when he was given the Above and Beyond Award by Sanctuary for Families, the

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largest nonprofit in New York State dedicated exclusively to serving domestic violence victims and their children.

Mr. Kahn is admitted to practice in the states of California and New York. He is a member of the Association of Business Trial Lawyers.

Mr. Kahn's recent publications include:

- "2010 Year-End Electronic Discovery and Information Law Update", Client Alert, January 13, 2011
- "2010 Year-End Securities Litigation Update", Client Alert, Client Alert, January 11, 2011
- "2010 Mid-Year Report on Electronic Discovery and Information Law", Podcast, Association of Certified E-Discovery Specialists, September 9, 2010
- "2010 Mid-Year Report on Electronic Discovery and Information Law", Article, July 22, 2010
- "2010 Mid-Year Electronic Discovery and Information Law Update", Client Alert, July 13, 2010
- "Considering Coupons", Article, May 27, 2009
- "Supreme Court of California Exempts Life Insurance Products from Scope of California's Consumers Legal Remedies Act", Client Alert, Apr 27, 2009
- "Offensive E-Discovery Depositions: Is There a Defense?" Article, Nov 1, 2007
- "Private Rights of Action and the Sarbanes-Oxley Act of 2002", Article, April 17, 2006

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Professional Profiles

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Kahn A. Scolnick is an appellate and general commercial litigation associate in the Los Angeles office of Gibson, Dunn & Crutcher. He is a member of the firm's Appellate and Constitutional Law and Class Actions practice groups. Before joining the firm in 2006, he served as a law clerk to Judge Ferdinand F. Fernandez of the United States Court of Appeals for the Ninth Circuit (2005–06), and as a law clerk to Judge Dana M. Sabraw of the United States District Court for the Southern District of California (2003–05).

Mr. Scolnick has litigated a wide range of matters in state and federal courts, from the pre-filing stage through the appeal. He has drafted and argued dispositive motions, supervised complex discovery, examined witnesses at trial, and prepared jury instructions and closing arguments. In addition, Mr. Scolnick has drafted numerous petitions and briefs filed in the California Courts of Appeal, the California Supreme Court, the United States Courts of Appeals, and the United States Supreme Court.

Recent matters in which Mr. Scolnick played a significant role include:

- Securing 24 (out of 24) defense verdicts in a nuisance action following an 8-week jury trial;
- Winning summary judgment in a “taxpayer” action challenging the constitutionality of a California statute (and then persuading the California Court of Appeal to affirm in a published decision, of which the California Supreme Court denied review);
- Earning a complete defense verdict after a lengthy bench trial in a nation-wide class action in which Mr. Scolnick was the lead associate;
- Persuading a trial court to grant summary adjudication of plaintiffs’ prayer for punitive damages in a mass action one week before the start of a scheduled 12-week jury trial (the case then settled on the second day of trial);
- Achieving the reversal on appeal of a \$135 million class judgment in an Unfair Competition Law action;
- Securing dismissal with prejudice of a putative wage-and-hour class action in federal court;
- Defeating certification of a putative nation-wide consumer class action;

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- Obtaining a published decision by the United States Court of Appeals for the Third Circuit reversing a substantial award of attorney's fees; and
- Prevailing on summary judgment on behalf of a leading retailer in a suit brought by a former officer.

Mr. Scolnick graduated *magna cum laude* in 2003 from the University of San Diego School of Law. He was a Lead Articles Editor for the *San Diego Law Review* and the recipient of the Hickman Award for the Outstanding Student in Constitutional Law. While in law school, Mr. Scolnick served as a judicial extern to Judge M. Margaret McKeown of the United States Court of Appeals for the Ninth Circuit, and also to Magistrate Judge Louisa S. Porter of the United States District Court for the Southern District of California. Mr. Scolnick received his Bachelor of Arts degree in Public Policy Studies, with honors, from Michigan State University in 2000.

Mr. Scolnick has published on a variety of topics, including class actions, civil procedure, punitive damages, and constitution issues. In 2009, 2010, and 2011, Mr. Scolnick was named one of Southern California's "Rising Stars" by *Los Angeles Magazine* and *Southern California Super Lawyers – Rising Stars Edition*. Since 2007, Mr. Scolnick has served on the Associates Advisory Board for the Legal Aid Foundation of Los Angeles.

Mr. Scolnick is a member of the California Bar. He is admitted to practice before the United States Court of Appeals for the Ninth Circuit and the United States District Courts for the Northern, Southern, and Central Districts of California.