

Class Action Group Of the Year: Morgan Lewis

By Jonathan Randles



Law360, New York (January 30, 2015, 5:19 PM ET) -- Morgan Lewis & Bockius LLP attorneys successfully argued a major class action case over retiree health benefits at the U.S. Supreme Court and racked up major wins for clients including Amazon.com Inc., Teva Pharmaceuticals and Mitchell International, earning the firm a spot among Law360's Class Action Groups of the Year.

The last 12 months proved to be more of the same for Morgan Lewis, which has now been recognized by Law360 as a top class action group for the second consecutive year. The firm was also recognized earlier this year as having one of the go-to class action groups for general counsel.

J. Gordon Cooney Jr., who leads Morgan Lewis' class action group, said one of the firm's strengths is the ability to combine a deep understanding of the law with an equally strong understanding of their clients' business.

"One of our strengths is the depth we have in all the principal areas of class action practice," Cooney said. "The significant experience in all aspects of class action litigation that we've developed over decades allows us to bring sharper insight and allows us to handle clients' high exposure problems with greater efficiency."

In a landmark labor-related class action, Morgan Lewis represented Amazon.com in multidistrict litigation over claims that warehouse workers should be compensated for time they spend walking through security screening stations when leaving their work area to take meal breaks and at the end of their shifts. Additionally, the firm advised on the related *Busk v. Integrity Staffing Solutions Inc.* case that the Supreme Court heard in October.

The firm also represented M&G Polymers USA LLC in a long-running retiree health benefits case argued Nov. 10 on the question of how courts should interpret collective bargaining agreements that don't explicitly address the duration of retiree health benefits. M&G appealed the Sixth Circuit's presumption that when a collective bargaining agreement is silent about the duration of retirees' medical benefits, the benefits are presumed to be vested for the retirees' lifetimes.

The Supreme Court vacated the Sixth Circuit's decision in late January. In the decision, justices warned courts against putting a "thumb on the scale" when analyzing collective bargaining agreements, likely leading to a more uniform approach among courts tackling disputes over whether retiree benefits

continue after a union contract expires.

In May, the firm guided MSG Holdings LP — the owner of Madison Square Garden, the New York Rangers and the New York Knicks — to a first-of-its-kind class certification defeat against claims by unpaid interns that they were entitled to minimum wage, overtime pay and other benefits.

In addition, Morgan Lewis attorneys secured dismissals of class actions against Hewlett-Packard and Mitchell International. The firm has also earned victories for Cephalon Inc. and its corporate parent Teva in a class action accusing the drug maker of promoting the painkiller Fentora and other drugs for off-label uses.

Cooney said the cases demonstrate the firm's ability to handle complex problems.

"A company facing high-exposure litigation has to develop an integrated strategy for dealing with all of the challenges that are stressing the business," Cooney said. "One of the things we are really uniquely positioned to do is to surround that whole problem, including any parallel regulatory, criminal investigation, governance or shareholder issues. We have strength and depth to help clients solve their biggest challenges."

Going forward, Cooney said the firm is in the process of integrating attorneys following Morgan Lewis' merger with Bingham McCutchen LLP. Ultimately, the new additions from Bingham will be an asset by giving the class action group a deeper bench of attorneys, Cooney said.

"We're actively involved in integrating our practices," Cooney said. "In the class action space, we're very excited about our combined strength and what our new colleagues add in the antitrust, consumer class action, financial services and environmental/toxic tort class action areas, in particular. Those are all areas where we have added considerable talent and experience to our already broad and deep class action practice. The combination of talent is truly impressive."

--Additional reporting by Jess Davis, Ben James and Natalie Rodriguez. Editing by Philip Shea.

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