

THE AM LAW LITIGATION DAILY

Litigator of the Week Runners-Up and Shout Outs

By Ross Todd

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► Runners-up honors go to a **Latham & Watkins** team that got a Delaware Chancery Court win for client Sorrento Therapeutics in a breach of contract and trade secrets case against Anthony Mack, the head of a pain management drug developer the company invested who left to found a competitor. In a 94-page opinion handed down last week, Vice Chancellor Paul Fioravanti found that while Mack was still serving as the president of the company Sorrento invested in, he took steps to found his new company and divert opportunities its way while taking care to conceal his conduct from the Sorrento board—all while subject to a non-compete agreement. The ruling tees up a remedies phase where Sorrento can seek damages and injunctive relief. The **Latham** trial team on the matter includes **Jamie Wine, Steven Feldman** and **Matthew Walch**, and associates **Russell Mangas, Sofia Vitiello** and **Pauline Oostdyk**.

► Shout out to a team at **Latham & Watkins** for once again convincing Senior U.S. District Judge Charles Breyer to dismiss securities claims against Silicon Valley hearing aid company Eargo. After previously granting the firm's first motion to dismiss in February, Breyer last week found that the plaintiffs still hadn't pleaded facts sufficient to show scienter, despite a lift on PSLRA discovery stay forcing Eargo to produce all documents the company produced to the DOJ in an insurance fraud investigation. The **Latham** team representing Eargo includes partners **Eric Leon, Nicholas Siciliano, Michele Johnson** and **Whitney Weber** and associates **Daniel Gherardi, Elizabeth Stasny** and **Clarissa Lu**.

► Shout out to Bob Loeb, Lisa Tonery and their team at Orrick, Herrington & Sutcliffe as well as **Latham's Greg Garre, Janice Schneider** and **Jennifer Roy** who got a ruling from the Fifth Circuit this week denying a petition to review permits issued to their client Driftwood LNG for a \$25 billion liquefied natural gas terminal near Lake Charles, Louisiana. The appellate court held that the U.S. Army Corps of Engineers "more than adequately explained its decision" in permitting the project's approach to mitigating impact on coastal wetlands. The Orrick team also includes associates Geoffrey Shaw and Lisset Pino.