



## Appellate Advocacy

DLA Piper's Appellate Advocacy practice is one of the nation's premier practices and comprises seasoned appellate lawyers with experience handling all aspects of state and federal appeals, including the US Supreme Court.

Our appellate advocacy team practices with successes in the most notable appellate courts in the United States, including the United States Supreme Court, all 13 federal Courts of Appeals and a host of state appellate courts. Clients benefit from our highly skilled team of appellate lawyers, many with prior experience as former clerks for the United States Supreme Court, United States Courts of Appeals, and state appellate courts.

We provide aggressive, creative and practical representation for our clients who look to us to preserve their victories or rectify their losses on appeal in complex areas of litigation such as product liability, complex commercial disputes, multi-district litigation, administrative law, white collar defense, environmental litigation, antitrust and intellectual property. Our appellate lawyers also work with trial lawyers to provide efficient, thorough and creative motions practice support to the team that will try the case. In that setting, our appellate lawyers frequently are embedded with the trial team and help frame the issues for appeal to create the most advantageous record. This assistance can be particularly beneficial in complex litigation. When our appellate lawyers are not counsel of record, we have been called upon to use our creativity to assist with mock arguments, review draft briefs and write amicus curiae briefs for clients on important issues in various courts. Our advocacy in the latter role can assist the court by shedding light on the legal impact of the court's decision beyond the parties directly involved.

DLA Piper's Appellate Advocacy practice is committed to understanding our clients' needs, protecting our clients and prevailing in their litigation.

### INSIGHTS

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#### Publications

**Argentina: In a unanimous decision over the appointment of three judges, the Supreme Court asserts its powers and its independence**

5 October 2020

A clear indication of the Argentine judiciary's willingness to exercise its constitutional prerogatives and to confront the executive and the legislative branches when necessary to preserve its independence.

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Supreme Court Corner

#### KEY CONTACTS

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#### RELATED SERVICES

- Litigation, Arbitration and Investigations

30 September 2020

A quick look at two cases - *USPTO v. Booking.com* and *American Axle & Manufacturing v. Neapco Holdings*.

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### **Supreme Court finds the restriction on removal of the Consumer Financial Protection Bureau's single director unconstitutional, but leaves the bureau operational**

7 July 2020

The decision also throws into question the investigative and enforcement actions of the CFPB to date.

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### **Supreme Court Corner**

30 June 2020

A quick look at three cases: *Thryv, Inc.*; *Lucky Brands*; and *Romag Fasteners*.

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### **SEC settles *Lucia* enforcement action**

22 June 2020

Questions remain following Supreme Court decision concerning the Appointments Clause of the Constitution and who constitutes an "Officer of the United States" for the purposes of complying with that constitutional provision.

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### **Supreme Court will tackle issue of who determines arbitrability when a dispute involves arbitration carveouts**

18 June 2020

This issue is currently dividing courts of appeals and state high courts.

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### **Justices form unique alliances in holding Georgia's annotated code not protected by copyright; Thomas dissent presses for closer review of precedent**

12 May 2020

There is likely to be an immediate, practical impact from the ruling, as well as a potential longer-term effect.

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### **SCOTUS unanimous – willfulness not a prerequisite to a profits award under the Lanham Act**

8 May 2020

The Supreme Court resolves a decades-long circuit split.

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### **Supreme Court Corner**

30 March 2020

Notable cases involve trademark protectability and federal preclusion principles.

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## **Court of International Trade blocks expanded Section 232 tariffs on certain US imports, prompting others to take legal action**

4 March 2020

The first injunction in an appeal filed by a US importer challenges the expansion of the tariffs on constitutional and procedural grounds.

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## ***US v. Hoskins*: in setback for DOJ, court grants post-trial motion for acquittal on all FCPA counts**

27 February 2020

The decision calls into question DOJ's aggressive approach to a narrow but significant class of potential defendants in FCPA cases.

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## ***Wasica v. Schrader*: IPR estoppel can include system prior art – key takeaways**

11 February 2020

This case raises a few interesting points for practitioners and companies involved in patent litigations and IPRs.

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## **Supreme Court Corner**

19 December 2019

We are watching two key cases – *Romag Fasteners v. Fossil* and *Thryv, Inc. v. Click-to-Call Technologies*.

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## **US Supreme Court denies review of *Robles v. Domino's Pizza*, opening door to more lawsuits on website and mobile app accessibility claims**

16 October 2019

Does the ADA apply to websites and mobile apps?

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## ***Alice* uncertainty: curiouser and curiouser**

24 July 2019

The Federal Circuit declines to follow USPTO guidance on subject matter eligibility, instead following its own precedent.

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## **Supreme Court Corner**

24 July 2019

The Court clarifies a circuit split over copyright in *Fourth Estate* and, in *Mission Product Holdings*, says a licensee's rights survive the licensor's bankruptcy.

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## **Texas narrows anti-SLAPP law**

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10 June 2019

The new law enjoys broad bipartisan support.

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### **In *Albrecht*, US Supreme Court narrows implied preemption of failure-to-warn claims, finds preemption is legal issue for judge, not jury**

21 MAY 2019

The *Albrecht* decision clarifies and substantially narrows the scope of preemption under the *Wyeth v. Levine* "clear evidence" standard.

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### **Supreme Court requires explicit consent to arbitrate claims on classwide basis**

25 APR 2019

Another significant decision by the high court limiting the ability of plaintiffs bound by arbitration agreements to pursue their claims on a classwide basis.

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### ***Fourth Estate Public Benefit Corp. v. Wall-Street.com*: when can a copyright claimant sue for infringement? Supreme Court says not until the copyright has been registered**

5 MAR 2019

This decision will have an immediate impact on both pending and future copyright infringement lawsuits.

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### **Explainability: where AI and liability meet**

25 FEB 2019

Makers and users of AI face a new and interesting problem: what is the acceptable tradeoff between explanation and accuracy?

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### **Supreme Court hears oral argument in *Fosamax*: key takeaways**

8 JAN 2019

None of the justices indicated a desire to upset the *Wyeth v. Levine* framework.

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### ***Alice* in Wonderland: navigating the strange world of patenting AI**

21 DEC 2018

Like the bottle labeled DRINK ME, certain techniques can make the trip through the AI-patent rabbit hole more scalable.

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### **Supreme Court Corner Q4 2018**

20 DEC 2018

A trademark case concerning the Lanham Act's prohibition of "immoral" marks; a patent case asking whether the government is a "person" under the AIA.

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## Top of mind: Litigation

10 DEC 2018

Our coverage of big compliance, enforcement and litigation issues that businesses are thinking about this quarter.

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## NEWS

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### **Katie Hausfeld and Kerry Johnson named to *Crain's Chicago Business* Notable Women in Law list**

8 September 2020

DLA Piper is pleased to announce that Katie Hausfeld and Kerry Johnson have been named to *Crain's Chicago Business's* Notable Women in Law list.

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### **Loren Brown named to the *National Law Journal's* 2020 list of Winning Litigators**

1 September 2020

DLA Piper is pleased to announce that Loren Brown has been named a 2020 Winning Litigator by the *National Law Journal*.

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### **DLA Piper achieves appellate victory for cryptocurrency exchange Coinbase in lawsuit over Bitcoin Gold**

13 August 2020

DLA Piper won a significant appellate victory on behalf of global cryptocurrency exchange Coinbase, defeating a lawsuit alleging that the exchange violated various obligations to users when it refused to support or provide access to the forked cryptocurrency Bitcoin Gold.

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### **Former Congressman Jim Greenwood joins DLA Piper as senior policy advisor, adding significant strength to growing life sciences policy and regulatory group**

4 August 2020

DLA Piper announced today that former US Representative Jim Greenwood has joined the firm's Litigation and Regulatory practice as a senior policy advisor based in Washington, DC.

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### **DLA Piper arbitration practice recognized as world leading by Global Arbitration Review**

14 July 2020

DLA Piper has been recognized once again as having one of the world's leading international arbitration practices.

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### **John Gibson joins DLA Piper's Litigation and Regulatory practice in Los Angeles**

14 July 2020

DLA Piper announced that John Gibson has joined the firm's Litigation and Regulatory practice as a partner in Los Angeles.

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## Law firms collaborate on industry first to accelerate tech adoption in international arbitration

2 July 2020

DLA Piper is amongst six international law firms which have developed a Protocol to help deliver a globally consistent approach to the use of online case management platforms in international arbitration.

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## DLA Piper represents Axogen in dismissal of securities class action lawsuit

22 April 2020

DLA Piper represented Axogen, Inc. in the dismissal of a securities class action lawsuit filed in the US District Court for the Middle District of Florida.

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## Donna Thiel joins DLA Piper's Litigation and Regulatory practice and Healthcare sector in Washington, DC

11 May 2020

DLA Piper announced today that Donna Thiel has joined the firm's Litigation and Regulatory practice and Healthcare sector as a partner in Washington, DC.

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## DLA Piper lawyers and practices ranked in latest Chambers edition

8 May 2020

DLA Piper today announced that the firm received 172 lawyer rankings and 71 practice rankings in *Chambers USA's* 2020 guide.

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## DLA Piper announces partnership promotions for 2020

30 April 2020

DLA Piper is proud to announce that 67 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2020 in the United States and May 1, 2020 for EMEA and Asia Pacific. The promotions have been made across many of the firm's practice areas in 35 different offices throughout 13 countries.

Across the firm's practices globally, Corporate saw the largest intake of new partners with 19 promotions, followed by Litigation and Regulatory with 15. Intellectual Property and Technology and Finance and Projects had ten and eight promotions respectively, while there were six in Real Estate. Tax and Employment both had four, and there was one in Restructuring.

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## Daniel Garen joins DLA Piper's Litigation and Regulatory practice in Washington, DC

22 April 2020

DLA Piper announced today that Daniel Garen has joined the firm's Litigation and Regulatory practice as a partner in Washington, DC.

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## John Phillips joins DLA Piper's Litigation practice in Northern California

26 March 2020

DLA Piper announced today that John Phillips has joined the firm's Litigation practice as a partner in Northern California, based in the San Francisco office.

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### **Ronald N. Brown, III joins DLA Piper's Litigation practice in Wilmington**

19 March 2020

DLA Piper announced today that Ronald N. Brown, III has joined the firm's Litigation practice as a partner in the Wilmington office.

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### **DLA Piper lawyers named Acritas Stars**

10 March 2020

Acritas has named over 200 DLA Piper lawyers as 2020 Acritas Stars. Now in its fourth year, Acritas Stars highlights the stand-out lawyers in private practice as nominated by clients around the world. More than 3,000 senior in-house counsel feed into the nomination process to give a comprehensive view of highly recommended lawyers across the globe.

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### **DLA Piper's Jonathan Haray named 2020 Criminal Law Trailblazer by the National Law Journal**

7 March 2020

DLA Piper is pleased to announce that Jonathan Haray, a Litigation partner in the firm's Washington, DC office, has been named by the *National Law Journal* as a 2020 Criminal Law Trailblazer.

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### **DLA Piper appoints Head of Global Government Affairs team**

6 March 2020

DLA Piper announces the strengthening of its Global Government Affairs team with the appointment of Richard Sterneberg who will head up the team in its Brussels office. Richard brings with him over 20 years of experience working in Brussels as a global government affairs expert.

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### **Keelin Kavanagh, Arthur Hoffmann and David Jaroslaw join DLA Piper's Litigation practice in New York**

12 February 2020

DLA Piper announced today that Keelin Kavanagh, Arthur Hoffmann and David Jaroslaw have joined the firm's Litigation practice as partners in New York.

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### **Craig Waugh joins DLA Piper's Litigation practice in Phoenix**

11 February 2020

DLA Piper announced today that Craig Waugh has joined the firm's Litigation practice as a partner in Phoenix.

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### **Matthew Miller, Robert Nolan and Michael Fluhr join DLA Piper's Litigation practice in Northern California**

10 February 2020

DLA Piper announced today that Matthew Miller and Robert Nolan have joined the firm's Litigation practice as partners in Northern California, based in the San Francisco office, and Michael Fluhr has joined as of counsel, also based in San Francisco.

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### **James C. Bookhout of DLA Piper listed in *D Magazine's* 2020 Best Lawyers Under 40 list**

7 February 2020

James C. Bookhout was recently named to *D Magazine's* 2020 Best Lawyers Under 40 list, which recognizes outstanding young lawyers in Dallas.

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### **Michael Hazzard joins DLA Piper's Litigation practice in Washington, DC**

4 February 2020

DLA Piper announced today that Michael Hazzard has joined the firm's Litigation practice as a partner in Washington, DC.

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### **Nicholas Klein joins DLA Piper's Litigation and Regulatory practice in Washington, DC**

3 February 2020

DLA Piper announced today that Nicholas Klein has joined the firm's Litigation and Regulatory practice as of counsel in the Washington, DC office.

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### **Christopher Mikson joins DLA Piper's Litigation practice in Philadelphia and Washington, DC**

23 January 2020

DLA Piper announced today that Christopher Mikson has joined the firm's Litigation practice as a partner in Philadelphia and Washington, DC.

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### **DLA Piper launches its Global Litigation Guide**

3 December 2019

DLA Piper has launched its 'Global Litigation Guide', which covers aspects of civil litigation in 30 jurisdictions worldwide.

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### **Scott Wilson joins DLA Piper's Litigation practice in New York**

2 December 2019

DLA Piper announced today that Scott Wilson has joined the firm's Litigation practice as a partner in the New York office.

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### **DLA Piper achieves victory for California Institute of Technology**

26 November 2019

DLA Piper recently represented the California Institute of Technology (Caltech) in the dismissal of a case filed by David Lillie, an employee of Caltech subcontractor ManTech International, which alleged defamation and a number of other causes.

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### **DLA Piper achieves trial victory for Applied Underwriters**

22 November 2019

DLA Piper recently represented Applied Underwriters, Inc. in a bench trial victory in California state court.

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### **DLA Piper achieves victory for Maryland Reclamation Associates**

6 November 2019

DLA Piper recently achieved a victory for its client, Maryland Reclamation Associates, Inc. (MRA), in a case filed against Harford County, Maryland.

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### **34 DLA Piper lawyers in nine countries ranked among The World's Leading Patent Professionals**

30 October 2019

DLA Piper is pleased to announce that IAM Patent 1000: The World's Leading Patent Professionals 2019 has named 34 DLA Piper lawyers from nine countries to its list of top patent professionals – representing an increase for the firm in numbers of both lawyers and countries.

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### **DLA Piper's Angela Agrusa named the *Los Angeles Business Journal's* Leaders in Law 2019 Litigation Attorney of the Year**

29 OCT 2019

DLA Piper is pleased to announce that Angela Agrusa, Los Angeles-based co-head of Business and Commercial Litigation and co-chair of the Food and Beverage sector, has been named the *Los Angeles Business Journals* Leaders in Law 2019 Litigation Attorney of the Year.

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### **Jonathan Sablone joins Litigation practice in Boston**

15 October 2019

DLA Piper announced today that Jonathan Sablone has joined the firm's Litigation practice as a partner in the Boston office.

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### **DLA Piper partner Isabelle Ord honored by Western Bankers Association**

11 October 2019

DLA Piper is pleased to announce that Isabelle Ord, co-chair of the firm's Class Action Litigation practice and co-leader of the LIBOR Transition practice, has received the Franzel Award from the Western Bankers Association.

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### **Tamany Vinson Bentz named to the *Daily Journal's* list of Top Trade Secrets Lawyers**

9 October 2019

DLA Piper is pleased to announce that Tamany Vinson Bentz, a Los Angeles-based partner in the IPT Litigation practice, has been named to the *Daily Journal's* 2019 list of Top Trade Secrets Lawyers.

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### **DLA Piper announces launch of LIBOR Transition practice**

23 September 2019

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DLA Piper announced today the launch of its LIBOR Transition practice, which will focus on assisting companies with impact assessment and advising on benchmark reform implementation across multiple jurisdictions and products.

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### **Abigail Reardon appointed chair of the Attorney Grievance Committee for the First Department of the Appellate Division of the New York Supreme Court**

5 September 2019

DLA Piper is pleased to announce that Abigail Reardon, a partner in the firm's New York office, has been appointed by the First Department of the Appellate Division of the New York Supreme Court to serve as a chair of the Attorney Grievance Committee for the First Department.

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### **George G. Demos joins DLA Piper's Litigation practice in Northern California**

3 September 2019

DLA Piper announced today that George G. Demos has joined the firm's Litigation practice as a partner in Northern California based in the Sacramento office.

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### **Paul Hemmersbaugh joins DLA Piper's Litigation practice as chair of Transportation Regulatory group**

3 September 2019

DLA Piper announced today that Paul Hemmersbaugh has joined the firm's Litigation practice as a partner and chair of its transportation regulatory and litigation group, in Washington, DC.

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### **DLA Piper's Angela Agrusa named to the *Los Angeles Business Journal's* 2019 list of Top Litigators and Trial Lawyers**

27 August 2019

DLA Piper is pleased to announce that Angela Agrusa has been named to the *Los Angeles Business Journal's* 2019 list of Top Litigators and Trial Lawyers.

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### **DLA Piper's Michael Garfinkel named to the *Los Angeles Business Journal's* 2019 list of Top Litigators and Trial Lawyers**

27 August 2019

DLA Piper is pleased to announce that Michael Garfinkel has been named to the *Los Angeles Business Journal's* 2019 list of Top Litigators and Trial Lawyers.

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### **Edward Hanover to join DLA Piper's Litigation practice in Northern California**

26 August 2019

DLA Piper announced today that Edward Hanover will join the firm's Litigation practice as a partner in Northern California based in the

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Silicon Valley office.

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### **DLA Piper represents Applied Underwriters in defeat of three class certification motions**

19 August 2019

DLA Piper represented Applied Underwriters in its defeat of three separate motions for class certification arising out of a regulatory dispute over whether a reinsurance transaction adjunct to workers' compensation coverage was required to be filed with, among others, the California Department of Insurance.

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### **DLA Piper partner Andrew Hoffman named to the *Daily Journal's* Top 40 Under 40 list**

16 August 2019

DLA Piper is pleased to announce that Andrew Hoffman, a partner in the firm's Litigation practice, has been named to the *Daily Journal's* 2019 Top 40 Under 40 list honoring young California lawyers across a range of practice areas.

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### **Six-partner group joins DLA Piper across key markets and practice groups from coast to coast**

18 July 2019

DLA Piper announced today the addition of a six-partner group whose members will be part of the firm's Corporate, Intellectual Property and Technology, and Litigation practices. The partners will be based in San Francisco, Los Angeles, Silicon Valley and New York.

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### **DLA Piper secures significant victory for Houston Casualty**

3 July 2019

DLA Piper secured a significant victory for Houston Casualty in *Houston Casualty Co. v. Cavan Corp. of N.Y., et al.* before the New York State Supreme Court on June 27, 2019.

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### **DLA Piper's Ilana Eisenstein named an *Unsung Hero* by the *Legal Intelligencer***

19 June 2019

DLA Piper is pleased to announce that Ilana Eisenstein, a Philadelphia-based partner and co-chair of the Appellate Advocacy practice, has been named to the *Legal Intelligencer* 2019 list of *Unsung Heroes*.

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### **DLA Piper secures appellate victory for Petrobras America**

18 June 2019

DLA Piper secured a victory on behalf of Petrobras America, Inc. in a long-running lawsuit against Vicinay Cadenas, S.A., a manufacturer of chains and accessories for the offshore industry.

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### **Scott Weber joins DLA Piper's Litigation practice in New York**

10 June 2019

DLA Piper announced today that Scott Weber has joined the firm's Litigation practice as a partner in the New York office.

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### **DLA Piper represents the Conrad Prebys Foundation in dismissal of derivative lawsuit**

31 MAY 2019

DLA Piper represented the Conrad Prebys Foundation, a charitable foundation started by late philanthropist and San Diego developer Conrad Prebys, in the successful dismissal of a lawsuit filed by Prebys' partner and former foundation board member.

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### **named to *Latinvex's* list of Latin America's Top 100 Female Lawyers**

23 MAY 2019

DLA Piper is pleased to announce that Kate Brown de Vejar and Lida Rodriguez-Taseff have been named to *Latinvex's* 2019 list of Latin America's Top 100 Female Lawyers.

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### **DLA Piper announces launch of Artificial Intelligence practice**

14 MAY 2019

DLA Piper announced today the launch of its Artificial Intelligence practice, which will focus on assisting companies as they navigate the legal landscape of emerging and disruptive technologies, while helping them understand the legal and compliance risks arising from the creation and deployment of AI systems.

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### **Mariana Lozza and Nicolas Teijeiro join DLA Piper Argentina**

14 MAY 2019

DLA Piper Argentina announced today the addition of Mariana Lozza as a partner in the International Arbitration practice and Nicolas Teijeiro as a partner in the Corporate Finance practice. Both will be based in the firm's Buenos Aires office.

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### **Carl Wessel joins DLA Piper's Litigation practice in Washington, DC**

22 APR 2019

DLA Piper announced today that Carl Wessel has joined the firm's Litigation practice as a partner in Washington, DC.

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## **DLA Piper represents Immunomedics in dismissal of class action lawsuit**

16 APR 2019

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## **DLA Piper announces partnership promotions for 2019**

1 APR 2019

DLA Piper is proud to announce that 77 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2019 in the United States and May 1, 2019 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 43 different offices throughout 20 countries.

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## **Peter Karanjia joins DLA Piper's Telecom and Appellate practices in Washington, DC**

4 MAR 2019

DLA Piper announced today that Peter Karanjia has joined the firm's Telecom and Appellate practices as a partner in Washington, DC.

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## **DLA Piper announces launch of Blockchain and Digital Assets practice**

26 FEB 2019

DLA Piper announced today the launch of its Blockchain and Digital Assets practice, which will offer strategic advice on a global basis to address the needs of companies implementing blockchain technology solutions and creating and deploying digital assets.

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## **Stefanie Wayco joins DLA Piper's Litigation practice in Atlanta**

31 JAN 2019

DLA Piper announced today that Stefanie Wayco has joined the firm's Litigation practice as a partner in Atlanta.

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## **Former Delaware Attorney General Matt Denn joins DLA Piper's Litigation practice**

23 JAN 2019

DLA Piper announced today that Matt Denn, who has served as Delaware's attorney general since 2015, has joined the firm's Litigation practice as a partner in Wilmington.

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## **Terry Weiss joins DLA Piper's Litigation practice in Atlanta**

23 JAN 2019

DLA Piper announced today that Terry Weiss has joined the firm's Litigation practice as a partner in Atlanta.

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## **Kate Brown de Vejar joins DLA Piper as global co-chair of International Arbitration**

22 JAN 2019

DLA Piper announced today that Kate Brown de Vejar has joined the firm's Litigation practice as a partner in Mexico City and New York.

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### **Two DLA Piper lawyers listed in *D Magazine's* 2019 Best Lawyers Under 40 list**

8 JAN 2019

Crystal Woods and James C. Bookhout were recently named to *D Magazine's* 2019 Best Lawyers Under 40 list, which recognizes outstanding young lawyers in Dallas.

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### **Eric Falkenberry named a *Law360* Data-Driven Lawyer for 2018**

5 DEC 2018

Eric Falkenberry has been named a *Law360* Data-Driven Lawyer for 2018.

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### **DLA Piper and IKM Advocates secure victory for the Republic of Kenya defeating a US\$2 billion ICSID claim**

24 OCT 2018

In a decisive victory for the Republic of Kenya, DLA Piper and DLA Piper Africa member firm, IKM Advocates, have successfully defeated the claim estimated to be worth US\$2 billion in arbitration proceedings brought by a mining investor, Cortec Mining Kenya Limited. The claim was brought under the bilateral investment treaty (BIT) between the UK and Kenya dated 13 September 1999. The arbitration took place under the auspices of the World Bank's International Centre for Settlement of Investment Disputes (ICSID), with the hearing taking place in Dubai in January 2018. The Tribunal issued its award on 22 October 2018.

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