



## 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. The National Law Journal recently named our Appellate Advocacy practice to its 2013 Appellate Hot list and lauded us for assisting clients with novel and challenging issues at all stages of litigation, with a particular focus on appeals. Noteworthy cases for which DLA Piper was recognized include a pair of toxic tort cases (*Exxon Mobil v. Albright* and *Exxon Mobil v. Ford*) where the firm helped Exxon Mobil Corp. secure the largest reversal of monetary damages on record – more than \$1.65 billion – in the Maryland Court of Appeals. In addition, The National Law Journal highlighted the firm's work before the US Court of Appeals for the Second Circuit, which led to the development of Central New York Oil and Gas Co.'s 39-mile natural gas pipeline in Pennsylvania.

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, white collar defense, environmental cleanup, 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 help the trial team frame the issues for appeal and 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.

### KEY CONTACTS

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### INSIGHTS

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## Publications

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

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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**Relying on "common sense" instead of prior art in evaluating the obviousness of pharmaceutical patents**

21 DEC 2018

A one-time aberration, or the start of a trend?

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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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***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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**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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**Supreme Court Corner Q3 2018**

27 SEP 2018

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The court rules on recovery of lost foreign profits and ponders patentability issues in an invention's sale to a third party that is obligated to keep the invention confidential.

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### **The Second Circuit rules against DOJ's aggressive assertion of extraterritorial FCPA jurisdiction over foreign accessories**

29 AUG 2018

The ruling stands to limit DOJ's ability to bring FCPA charges against foreign nationals who do not travel to the US.

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### **In Kavanaugh opinion, DC Circuit rules attorney-client communications can have "multiple purposes" and still be privileged – 3 takeaways**

13 AUG 2018

Takeaways for companies concerned about protecting attorney-client privilege.

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### **Bank Regulatory News and Trends**

18 JUL 2018

#### **[BANK REGULATORY NEWS AND TRENDS](#)**

This regular publication from DLA Piper focuses on helping banking and financial services clients navigate the ever-changing federal regulatory landscape.

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### **Bank Regulatory News and Trends**

2 JUL 2018

#### **[BANK REGULATORY NEWS AND TRENDS](#)**

The Fed objected to the capital plan of Deutsche Bank USA, issued conditional non-objections to Goldman Sachs, Morgan Stanley and State Street, and issued no objections to the plans of the other 31 banks it evaluated.

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### **Supreme Court agrees to hear *Fosamax***

29 JUN 2018

The grant of certiorari comes on the heels of Justice Anthony Kennedy's retirement announcement.

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### **Supreme Court rules SEC ALJs unconstitutionally appointed**

27 JUN 2018

Re-litigation of ALJ decisions pending before the SEC and casting doubt on the appointments of other agency ALJs.

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### **US Supreme Court rules on two key patent cases: *Oil States* and *SAS Services* – key takeaways**

27 APR 2018

The Supreme Court's decisions in two closely watched patent cases.

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## NEWS

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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

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

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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 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

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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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## **Kate Brown de Vejar and Lida Rodriguez-Taseff 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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## **Kathleen Birrane named to the *Daily Record's* 2019 Top 100 Women list**

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14 MAR 2019

DLA Piper is pleased to announce that Kathleen Birrane, a partner in the firm's Litigation practice and Insurance sector, has been named to the *Daily Record's* 2019 Top 100 Women list.

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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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### **DLA Piper secures summary judgment victory on behalf of well-known economist in fraud lawsuit**

12 OCT 2018

DLA Piper won summary judgment on behalf of well-known economist Dr. Arthur Laffer, one of multiple defendants in a lawsuit alleging securities fraud and numerous other claims, and seeking more than US\$30 million in damages.

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### **R. Matthew Hiller joins DLA Piper's Litigation practice in Chicago**

9 OCT 2018

DLA Piper announced today that R. Matthew Hiller has joined the firm's Litigation practice as a partner in Chicago.

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### **Ellen Dew named to the *Daily Record's* 2018 Leading Women list**

5 OCT 2018

DLA Piper is pleased to announce that Ellen Dew, an associate in the firm's Litigation practice, has been named to the *Daily Record's* 2018 Leading Women List.

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### **Daniel Tobey joins DLA Piper's Litigation practice in Dallas**

19 SEP 2018

DLA Piper announced today that Daniel Tobey has joined the firm's Litigation practice as a partner in Dallas.

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### **Brooke Kim and Evan Parness named *Law360* Rising Stars**

16 AUG 2018

DLA Piper is pleased to announce that *Law360* has named Brooke Kim and Evan Parness to its 2018 list of Rising Star attorneys.

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### **Angela Agrusa named to the *Los Angeles Business Journal* Top Litigators list**

15 AUG 2018

DLA Piper is pleased to announce that Angela Agrusa has been named as one of the Top Litigators by the *Los Angeles Business Journal*.

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### **Lida Rodriguez-Taseff joins DLA Piper's Litigation practice in Miami**

6 AUG 2018

DLA Piper announced today that Lida Rodriguez-Taseff has joined the firm's Litigation practice as a partner in Miami.

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### **Harout Samra of DLA Piper reappointed to Florida Third District Court of Appeal Judicial Nominating Commission**

1 AUG 2018

Harout Samra was reappointed by Florida Governor Rick Scott to serve on the Florida Third District Court of Appeal Judicial Nominating Commission for a second term.

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### **DLA Piper wins significant victory for New York University**

31 JUL 2018

DLA Piper won a significant victory for its client, New York University (NYU), in an Employee Retirement Income Security Act (ERISA)- related class action.

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### **DLA Piper and cooperative firm lawyers recognized by the Latin American Corporate Counsel Association**

17 JUL 2018

DLA Piper is pleased to announce that the Latin American Corporate Counsel Association have included eleven firm and cooperative firm attorneys on their list of Latin America's leading business lawyers.

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### **Eric Falkenberry named to the Fastcase 50 list**

12 JUL 2018

Eric Falkenberry was named to the "Fastcase 50" list which honors "the smartest, most courageous innovators, techies, visionaries and leaders in the law."

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### **Kristi Kung joins DLA Piper's Litigation and Healthcare practices in Northern Virginia and Washington, DC**

27 JUN 2018

DLA Piper announced today that Kristi Kung has joined the firm's Litigation and Healthcare practices as a partner in Northern Virginia and Washington, DC.

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### **Levi Heath joins DLA Piper's Litigation practice in Los Angeles**

19 JUN 2018

DLA Piper announced today that Levi Heath has joined the firm's Litigation practice as a partner in Los Angeles.

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### **Robby Robertson joins DLA Piper's Litigation practice in Chicago**

12 JUN 2018

DLA Piper announced today that J. Robert "Robby" Robertson has joined the firm's Litigation practice as a partner in Chicago.

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### **DLA Piper secures victory for WebSpectator**

24 MAY 2018

DLA Piper secured a victory this week in its representation of WebSpectator Corporation, a Santa Monica-based company that pioneered online analytics and attention ad space, as the plaintiff before the United States District Court for the Central District of California.

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### **Angela Agrusa named to the *Daily Journal's* Top Women Lawyers in California list**

2 MAY 2018

DLA Piper is pleased to announce that Angela Agrusa, a Los Angeles-based partner in the firm's Litigation practice, has been named one of the Top Women Lawyers in California by the *Daily Journal*.

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### **Alva Mather joins DLA Piper's Litigation practice in Philadelphia**

30 APR 2018

DLA Piper announced today that Alva Mather has joined the firm's Litigation practice as a partner in Philadelphia.

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### **Angela Agrusa and Ann Lawrence named to *Los Angeles Business Journal's* 2018 Most Influential Women Attorneys list**

26 APR 2018

DLA Piper is pleased to announce that Los Angeles-based partners Angela Agrusa and Ann Lawrence, global co-chair of the firm's Retail Industry sector, have both been selected for the Los Angeles Business Journal's 2018 Most Influential Women Attorneys list.

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### **DLA Piper wins significant victory for Maryland Reclamation Associates**

17 APR 2018

DLA Piper won a significant victory for its client, Maryland Reclamation Associates, Inc.(MRA), in a case filed against Harford County, Maryland, in the Harford County Circuit Court.

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### **DLA Piper adds Jason Lewis and Jason Hopkins to Litigation practice in Dallas**

5 APR 2018

DLA Piper announced today that Jason Lewis and Jason Hopkins have joined the firm's Litigation practice as partners in Dallas.

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### **DLA Piper announces partnership promotions for 2018**

3 APR 2018

DLA Piper is proud to announce that 62 lawyers have been promoted to its partnership. The promotions are effective as of 1 April 2018 in the United States and 1 May 2018 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 42 different offices throughout 20 countries.

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### **Brett Ingerman named to the *Daily Record's* 2018 Leadership in Law list**

26 MAR 2018

DLA Piper is pleased to announce that Brett Ingerman, managing partner of the firm's Baltimore office, was named to the *Daily*

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### **Jeff Tsai joins DLA Piper's Litigation, White Collar and Investigations practices in California**

26 MAR 2018

DLA Piper announced today that Jeff Tsai has joined the firm's Litigation, White Collar and Investigations practices as a partner in California, based out of the San Francisco and Los Angeles offices.

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### **DLA Piper advises Timor-Leste on historic maritime treaty**

6 MAR 2018

DLA Piper has been advising the Government of Timor-Leste, for more than four years, on its historic maritime treaty with the Australian Government, signed today at the United Nations Headquarters in New York, following the successful outcome of a compulsory conciliation process.

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### **Former United States Magistrate Judge Andrew J. Peck to join Litigation practice in New York**

3 MAR 2018

DLA Piper announced today that former United States Magistrate Judge Andrew J. Peck will join the firm's Litigation practice as senior counsel in the New York office.

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### **DLA Piper files amicus brief with US Supreme Court in capital case**

20 FEB 2018

DLA Piper filed on a pro bono basis an amicus brief to urge the United States Supreme Court to grant the petition for certiorari for Eric Branch.

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### **DLA Piper expands in Dallas with addition of leading employment and litigation lawyers**

1 FEB 2018

DLA Piper announced today that Marc Katz and Isabel Crosby have joined the firm's Dallas office as partners in the Employment practice, and Rob Hoffman has joined as a partner in the Litigation practice.

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### **Businesses still not fully aware of Data Protection issues**

31 JAN 2018

DLA Piper has released its second Data Privacy Snapshot report, finding that once again, company global privacy programs have gaps in meeting increasingly demanding global privacy principles. Significantly, it appears that many companies are falling short of data protection obligations under the General Data Protection Regulation (GDPR), which will start to apply from 25 May 2018.

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### **Joel Athey joins DLA Piper's Litigation practice in Los Angeles**

24 JAN 2018

DLA Piper announced today that Joel Athey has joined the firm's Litigation practice as a partner in Los Angeles.

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### **DLA Piper adds to Chicago Litigation practice with Amy Rubenstein and John Scholnick**

22 JAN 2018

DLA Piper announced today that Amy Rubenstein and John Scholnick have joined the firm's Litigation practice as partners in the Chicago office.

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### **Stephen Matthews joins DLA Piper's Litigation practice in New Jersey**

17 JAN 2018

DLA Piper announced today that Stephen Matthews has joined the firm's Litigation practice as a partner in the Short Hills, New Jersey, office.

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### **DLA Piper represents UC Davis Health in settlement of lawsuit against Sacramento County**

14 DEC 2017

DLA Piper represented UC Davis Health and the Regents of the University of California in a recently settled lawsuit filed against Sacramento County over payment obligations for medical care provided to county indigent patients and jail inmates.

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### **DLA Piper's Paul A. Tiburzi elected Chairman of the Greater Baltimore Committee Board of Directors**

8 DEC 2017

DLA Piper is pleased to announce that Paul A. Tiburzi has been unanimously elected as the new Chairman of the Board of Directors of the Greater Baltimore Committee (GBC).

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### **Mark Waite joins DLA Piper as partner in Houston**

2 NOV 2017

DLA Piper announced today that Mark Waite has joined the firm's Litigation practice as a partner in Houston.

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