

Most Feared Plaintiffs Firm: Robbins Geller

By **Y. Peter Kang**

Law360, Los Angeles (October 8, 2015, 6:21 PM ET) -- Going the distance in high-risk battles with the nation's top defense firms and their well-heeled clients may seem daunting to some firms, but Robbins Geller Rudman & Dowd LLP has made a name for itself by plunging headfirst into such challenges, landing it among Law360's Most Feared Plaintiffs Firms for the third consecutive year.

For many of the biggest pension funds and other institutional investors, the San Diego-based, 200-attorney firm is the go-to option for securities class actions. Over the past year, Robbins Geller has recovered more than \$2 billion for institutional investors around the world, which includes pharmaceutical giant Pfizer Inc.'s \$400 million settlement to end a shareholder class action regarding its off-label marketing of drugs.

Among the reasons Robbins Geller has been able to secure a multitude of record-breaking recoveries for clients is the firm's steadfast willingness to take complex cases all the way to trial, along with a deep bench of talented lawyers and the financial means to take cases on contingency.

"I think that the reason you see us at the top year after year is that the largest and most respected institutions around the globe choose the firm because of the depth of financial and human resources and the willingness to prosecute cases in a manner that doesn't cut the litigation short," founding partner Darren Robbins told Law360.

Robbins says the firm has gained a reputation among the institutional investor community for taking on difficult cases that have a strong chance of going to trial, as evidenced by wins in years past such as the hefty post-trial judgment against HSBC unit Household International, the largest securities class action judgment on record, as well as the \$7.3 billion Enron settlement, the largest securities fraud class action recovery of all time.

In 2014, Robbins Geller won \$930 million in 35 shareholder class action settlements, tops among law firms in terms of

FEARSOME FACTS

Robbins Geller \$15 billion

Value of settlements that are among the top 100 of all time, according to ISS Securities Class Action Services

No. 1

Ranking among plaintiffs law firms for dollar amount of final class action settlements in 2014, according to ISS

\$930 million

Amount of final class action settlements in 2014, according to ISS

total amount recovered as well as number of deals, according to ISS Securities Class Action Services.

With dozens of former federal and state prosecutors on its roster with decades of white collar experience, Robbins Geller has an edge in pursuing securities litigation and shareholders' rights issues.

"It's easy to file a securities case, but it's hard to prepare and try one, which is what defendants fear most," Robbins said. "The philosophy of most people who engage in this kind of fraud is they stole the money fair and square and they're going to keep it, and you have to pry it out of their hands. It's a very difficult endeavor."

Founding partner Michael Dowd says even when the firm's attorneys are spread thin, as they were when four simultaneous trial teams were dispatched to four far-flung venues across the country last year, there was no drop-off in quality, which allowed Robbins Geller to obtain favorable outcomes in each case.

"I think there are very few firms that can pick up 20 people and move them to Trenton, Chicago, New York or wherever and go try a case and still be able to have enough excellent lawyers," Dowd said. "We've done that a number of times over the years."

Robbins Geller also relies on the skills of its attorneys who need to be on the top of their game as they regularly face off against the biggest and best law firms in the U.S.

"We sue the biggest companies in the world, and we sue them in their hometown, and they are represented by the best defense firms in the country," Dowd said. "You are constantly playing the New England Patriots at Foxborough. If you're only going to play road games against the best teams, you better have good lawyers."

One of those large companies is Pfizer, which fought through years of litigation before agreeing to pay \$400 million to resolve the suit just days before the start of trial.

The settlement, which was given final approval in July, ended a five-year legal battle that began after the company pled guilty in September 2009 to illegally marketing anti-inflammatory drug Bextra and agreed to pay \$2.3 billion to federal authorities.

Dowd, who served as lead trial counsel, says it was a case that no other firm wanted because there were concerns about being able to prove loss causation, or that the alleged misrepresentation caused the drop in stock price. But more than a year after Pfizer initially disclosed the \$2.3 billion fine, Robbins Geller jumped in with both feet and conducted an investigation that uncovered evidence that the company's insiders were aware of the hefty returns Pfizer earned through off-label sales.

"It was a good example of a case where a lot of firms shied away from it since it was going to be a tough fight, but we took it on," Dowd said.

Robbins echoed that sentiment.

"We're willing to take the hard cases and we're willing to make the most of them, and I think Pfizer is a great example of that," he said. "No one else even thought that it even merited filing because of the risks and difficulties associated on loss causation, and it was a great result."

Another notable deal the firm was able to score this year was a consolidated antitrust class action lobbed at private equity firms including Blackstone Group, Kohlberg Kravis Roberts, Goldman Sachs and Bain Capital Partners, accusing them of conspiring to keep the price of leveraged buyouts low. The judge signed off on the allocation plan for \$590 million in settlements in March.

Partner Patrick J. Coughlin said the antitrust case was unusual since they were dealing with a “buyer’s cartel” that was fixing a purchase price, as opposed to companies fixing a sale price for competing products. The private equity firms also acquired companies in a wide range of often dissimilar industries, which made it even more difficult, he said.

“Historically, these firms had fiercely competed against each other,” he said. “We had to show how these natural competitors were colluding, and that was hard to do and very complicated.”

The firm earned another great outcome in July when JPMorgan Chase & Co. agreed to pay \$388 million to end a residential mortgage-backed securities purchaser class action, the largest recovery ever achieved in such a case on a percentage basis.

The suit, spearheaded by partners Daniel Drosman and Luke Brooks, involved six years of fierce litigation, an extensive investigation and 40 depositions, and resulted in the highest percentage-of-face-value recovered out of the 16 comparable MBS purchaser class action settlements to date, the firm said.

“This result is a manifestation of our tenaciousness and stick-to-itiveness that we very proud of and the team that got this result should be very proud as well,” Robbins said.

Partner Tor Gronborg, who served as lead counsel in a successful shareholder suit accusing Duke Energy Corp. of misleading investors about the ousting of former CEO of Progress Energy following the companies' \$32 billion merger in 2012, underscored the firm’s willingness to go to trial.

“Most of the lawyers here do want to go to trial but the reality is that not many cases do,” he said. “[The trial rate is] unfortunately low but at the end of the day we’re not here for our joy but the client’s best possible result.”

--Additional reporting by Kelly Knaub, John Kennedy and Erin Coe. Editing by Jeremy Barker and Kelly Duncan.