

THE  
AMERICAN LAWYERReady to Fight, Ready to Win: Quinn Emanuel  
Awarded Litigation Department of the Year

By Sarah Tincher-Numbers

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**A**t Quinn Emanuel Urquhart & Sullivan, the last two years have been marked by a slew of impressive litigation feats across numerous legal arenas. But if you ask them, that's nothing but standard procedure for the largest litigation-only firm in the Am Law 100. "We're known as a firm that tries a lot of cases," says name partner John Quinn. "Typically we have at least one case in trial, and often more than one case in trial somewhere in the world every single day of the week. So, we're known as a firm that actually goes into courtrooms and tries cases to arbitrators, to juries, to judges."

**'Feats of Trial Bravura'**

For lawyers at Quinn Emanuel, 2023 started with a bang in the form of an "astonishing" set of back-to-back defense verdicts for Elon Musk and Tesla.

"These were cases that many people said couldn't be won," says name partner Kathleen Sullivan, who worked on both cases.

At the end of 2022, a Quinn Emanuel team led by partners Alex Spiro, Andrew Rossman and Bill Price was retained to take over Musk's defense in a putative class action lawsuit over a tweet Musk sent in August 2018 announcing a potential deal to take Tesla private at \$420 a share: "Funding secured."

The odds were stacked against them from the beginning. U.S. District Senior Judge Edward Chen of the Northern District of California had already granted summary judgment on the class action that Musk "recklessly" made false representations about taking Tesla private, with plaintiffs claiming \$12 billion in investor losses as a result of the tweet.

But, after less than three hours of deliberations, a federal jury in San Francisco in February found Musk and Tesla



Photo: Ryland West/ALM

**From left to right: Jennifer Barrett, John Quinn, Michael Carlinsky, Silpa Maruri, Kathleen Sullivan, and Manisha M. Sheth. New York partners at Quinn Emanuel.**

weren't liable for investor losses in the wake of the tweets.

According to global co-managing partner Bill Burck, this case exemplifies the way Quinn Emanuel operates in the courtroom.

"We are a firm that really believes that trials are where you find the truth, and Alex Spiro is a kind of disciple of that view. And because he believes trials are where you find the truth, he doesn't really like to prepare the witness about every single thing he's going to ask," Burck says, recalling a particular moment from the trial.

"We call Elon Musk to the stand, and Alex does his direct, and he asks him, 'What was your childhood like in South Africa?' It took Elon Musk totally by surprise. He just became very quiet, and he said, 'Not good.' And Alex moved on. He didn't dwell on it," Burck recalls. "That was a moment where Elon Musk, arguably the world's richest man, was humanized for the jury. And it took a master trial lawyer to figure out that that's something he could accomplish at that moment."

Just a few weeks later, it was time for Quinn Emanuel to defend Tesla in a racial discrimination case before the Northern District of California.

The firm was initially brought on to defend Tesla in post-trial motions and appeal in October 2021, just days after Owen Diaz, a former contract worker at the Tesla factory in Fremont, California, had won a \$137 million verdict over racial discrimination and harassment. After Sullivan made the case to U.S. District Judge William Orrick III to lower the award, Orrick found that the damages figure was “excessive,” giving Diaz the option of accepting \$15 million or retrying the damages portion of the case. Diaz in June 2022 opted for a new trial on damages, turning to a trial team led by Spiro and partner Asher Griffin.

“We came in, as we often do, after a disastrous verdict that another firm has suffered for our clients,” says Sullivan.

After a five-day trial and about a day of deliberations, jurors in April awarded Diaz just 2.3% of the earlier award—\$175,000 for economic losses and \$3 million in punitive damages.

“Basically, it was like ‘Groundhog Day,’” Sullivan recalls. “The evidence was all the same, and no new witnesses could be called, but the trial team succeeded in impeaching the case that had been put on a first trial. And the damages came back at 98% lower than in the first trial.

“Those were two astonishing feats of just trial bravura,” Sullivan says of the Musk and Tesla cases. “And not just courtroom skill, but the ability of our teams to prepare the witnesses, to game out all of the legal and appellate angles that you need, both in the trial court and to preserve things on appeal.”

### **Expansive Portfolio**

In addition to the Tesla cases, and numerous other litigation feats, Quinn Emanuel managed to nail down a \$1.84 billion settlement for Ambac with Bank of America five weeks into a jury trial, convinced a jury to acquit iTalk Global CEO Jie Zhao in the “Varsity Blues” prosecutions, won an intellectual property case for The Broad Institute against several universities before the U.S. Patent Trial and Appeal Board over its entitlement to foundational patents on a revolutionary genome editing breakthrough, and stopped 3M from halting the largest multidistrict litigation in U.S. history via bankruptcy, paving the way for hundreds of thousands of lawsuits to move forward on behalf of U.S. service members who claim the company’s

combat arms earplugs were defective and led to hearing damage.

Sullivan notes that the 3M litigation, in particular, is a prime example of what she says “illustrates something very important about our firm, which is that we devote a lot of resources to cases that we think are righteous cases. We have a lot of very big dollar-value cases, and then we have some cases we pursue partly because we are quite sure it’s the right thing to do.”

The firm is also currently acting on behalf of Ukraine in inter-state proceedings against the Russian Federation before the European Court of Human Rights.

Beyond the outcome of the trial itself, Quinn says, “Perhaps the more important function is making sure that the historical account of what transpired here, the atrocities that were committed in Ukraine by Russians, are documented and there’s a historical record of it.”

### **‘Unmatched’**

While some might argue that a litigation-only model is risky, the firm remains confident in its focus, using its reputation to build a stellar portfolio of clients across the globe as it continues to build a world-class firm of expert trial and appellate lawyers worldwide.

“When clients hire us, they’re hiring us because we’ve got a tremendous amount of experience and a skill set that really is unmatched in almost all the areas of litigation that are out there,” Burck says. “You don’t hire Quinn Emanuel to send the message that we’re going to settle this case, you hire Quinn Emanuel because you’re going to fight. And the goal is to win.

“I think that helps us a lot, being litigation-only, because we don’t have anybody else that looks like us,” Burck adds.

And that doesn’t just apply to attracting clients. According to name partner John Quinn, “It’s all about the talent.”

“We’ve made it a deliberate project to try to know the best talent everywhere. And when we find somebody who you have a lot of respect for in the marketplace ... we’re not bashful about reaching out to them and recruiting them,” Quinn says. “The other side of that, of course, is trying to recruit the best and brightest out of the best law schools around the world.”

Looking ahead, the firm is showing no signs of slowing down its global growth trajectory anytime soon. As Quinn puts it: “The Quinn Emanuel project continues.” The firm, which recently extended its operations to Abu Dhabi, in October announced plans to open in Singapore.