

# Chambers

USA

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2020

## America's Leading Lawyers for Business

Morris, Nichols, Arsht & Tunnell LLP

# is ranked in Chambers USA 2020 as follows:

## Delaware

### Bankruptcy/Restructuring

<b>Bankruptcy/Restructuring</b>
<b>Leading Firms</b>
<b>Band 1</b>
Morris, Nichols, Arsht & Tunnell LLP
<b>Leading Individuals</b>
<b>Band 1</b>
Abbott Derek C Morris, Nichols, Arsht & Tunnell LLP
Dehney Robert J Morris, Nichols, Arsht & Tunnell LLP
<b>Band 3</b>
Schwartz Eric D Morris, Nichols, Arsht & Tunnell LLP
<b>Up-and-coming individuals</b>
Miller Curtis Morris, Nichols, Arsht & Tunnell LLP
Remming Andrew R Morris, Nichols, Arsht & Tunnell LLP

**Morris, Nichols, Arsht & Tunnell LLP**

**What the team is known for** Standout business reorganization and restructuring team that has significant experience in both lead and co-counsel roles. Possesses a deep bench of lawyers well versed in handling Chapter 11 cases for numerous stakeholders including debtors, creditors and acquirers. Recognized for its strengths across loan workouts and reorganization proceedings, and in bankruptcy-related disputes.

**Strengths** One interviewee says that the lawyers are “very easy to work with and very knowledgeable regarding Delaware bankruptcy practice.”

“We are pleased with their resources and effort,” says a source, adding: “They do an incredible job.”

**Work highlights** Represented AT&T Services and DirecTV in the \$200 million prepackaged bankruptcy of content provider Fuse.

**Notable practitioners**

**Derek Abbott** is held in high regard by interviewees, one of whom describes him as “a knowledgeable and practical attorney who moves toward solutions.” He remains a strong choice for high-profile companies seeking advice on Chapter 11 proceedings, as well

as advising creditors and other parties. **Robert Dehney** maintains his leading reputation as an “excellent practitioner” in the bankruptcy space. He routinely acts on high-value mandates such as Chapter 11 proceedings. His recent client roster includes creditors and distressed companies in the healthcare and energy sectors. **Eric Schwartz** has experience advising a range of stakeholders in proceedings, with clients ranging from debtors and creditors to stalking horse bidders. His contentious and noncontentious practice includes advising on litigation arising from bankruptcy proceedings, as well as Section 363 transactions. **Curtis Miller** has a flourishing bankruptcy practice. In addition to providing expert noncontentious advice, he is also held in high regard for his strength in courtroom proceedings. Sources commend his approach, describing him as a “very steady bankruptcy lawyer.” **Andrew Remming** is recognized for his extensive Chapter 11 practice, while also offering experience in out-of-court mandates such as workouts. His broad client base includes debtors spanning sectors such as energy and biotechnology.

## Chancery

<b>Chancery</b>
<b>Leading Firms</b>
<b>Band 1</b>
Morris, Nichols, Arsht & Tunnell LLP
<b>Leading Individuals</b>
<b>Band 1</b>
Lafferty William M Morris, Nichols, Arsht & Tunnell LLP
Nachbar Kenneth J Morris, Nichols, Arsht & Tunnell LLP
<b>Band 3</b>
Abramczyk Jon E Morris, Nichols, Arsht & Tunnell LLP
Hurd S. Mark Morris, Nichols, Arsht & Tunnell LLP
Scaggs, Jr R Judson Morris, Nichols, Arsht & Tunnell LLP
<b>Band 4</b>
Waesco Susan Wood Morris, Nichols, Arsht & Tunnell LLP
<b>Up-and-coming individuals</b>
Measley D. McKinley (Mac) Morris, Nichols, Arsht & Tunnell

**Morris, Nichols, Arsht & Tunnell LLP**

**What the team is known for** A preeminent firm with a high level of experience and expertise across a range of commercial disputes. Praised by market sources for its work in lawsuits concerning M&A, takeover battles and proxy contests, among other matters. Represents a wide array of clients including shareholders, limited partners and limited liability companies. Also regularly advises special committees of independent directors on conflict of interest issues.

**Strengths** “I have been very impressed with the attorneys,” one source comments, further noting: “They are knowledgeable, responsive and collaborative.”

Another client describes the team as “outstanding.”

**Work highlights** Represented Equus and its directors in a class action suit brought by investors alleging inadequate stock plan disclosures.

**Notable practitioners**

**William Lafferty** is a respected litigator with notable experience representing clients in complex contentious mandates arising from failed merger agreements. In addition to his roster of corporate clients, he is also able to represent boards of directors and has built a reputation amongst peers as “an excellent lawyer who is respected by both the Bar and the court.” Commentators say **Kenneth Nachbar** is a “very smart and strong negotiator,” with “the gravitas to influence the court.” He is highlighted

for his expertise in high-value litigation including fiduciary duty and derivative actions, as well as books and records requests. Identified by sources as an “excellent” attorney, **Jon Abramczyk** garners praise for his corporate litigation practice. He offers demonstrable expertise acting for both corporations and individuals, and has recent experience handling high-value fiduciary duty disputes. **Mark Hurd** advises clients in a broad range of disputes before the Court of Chancery, and frequently acts on litigation arising from merger agreements. He has expertise acting for both plaintiffs and defendants. **Judson Scaggs** has extensive experience advising clients on corporate litigation. His knowledge covers a range of disputes, including class and derivative actions, and clients note that he is “no push over in litigation,” and label him a “good advocate.” Clients turn to **Susan Wood Waesco** for her strong Chancery experience. She is well-versed in representing both corporations and boards of directors on singular and class actions. Sources say: “She’s an exceptional litigator and a subject matter expert.” Rising star **McKinley Measley** garners praise from market sources, one of whom praises his “very broad and expert knowledge of the law and how it intersects with business corporations.” He typically acts for defendants in litigation including merger disputes, fraud claims and stockholder suits.

## Corporate/M&A & Alternative Entities

<b>Corporate/M&amp;A &amp; Alternative Entities</b>
<b>Leading Firms</b>
<b>Band 1</b>
Morris, Nichols, Arsht & Tunnell LLP
<b>Leading Individuals</b>
<b>Band 1</b>
Hering Louis G <i>Morris, Nichols, Arsht &amp; Tunnell LLP</i>
<b>Up-and-coming individuals</b>
Haskins Tarik J <i>Morris, Nichols, Arsht &amp; Tunnell LLP</i>
<b>Corporate/M&amp;A</b>
<b>Leading Individuals</b>
<b>Band 2</b>
Klinger-Wilensky Eric S <i>Morris, Nichols, Arsht &amp; Tunnell LLP</i>
<b>Band 3</b>
Johnston Andrew M <i>Morris, Nichols, Arsht &amp; Tunnell LLP</i>
Vella Patricia O <i>Morris, Nichols, Arsht &amp; Tunnell LLP</i>
Wolters Jeffrey R <i>Morris, Nichols, Arsht &amp; Tunnell LLP</i>

### Morris, Nichols, Arsht & Tunnell LLP

**What the team is known for** Exceptional firm with a strong bench that provides the full range of commercial services, with particular strength working on alternative entity matters. Provides strong counsel on M&A, fund formation work and corporate litigation. Possesses experience in matters involving master limited partnerships, as well as advising prominent private equity, hedge and mutual funds. Also plays an important role in drafting and updating Delaware's alternative entities statutes.

**Strengths** An interviewee praises the team's "organizational ability, communication skills and efficient, prompt service."

**Work highlights** Advised Ares Management on the formation of a \$1 billion real estate fund, structured as a Delaware limited partnership.

**Notable practitioners**

**Louis Hering** garners plaudits for his "great knowledge of Delaware statutory trust law." He boasts

expertise in transactions involving structures such as MLPs and limited partnerships.

**Eric Klinger-Wilensky** is a corporate practitioner with broad transactional experience. An interviewee says: "Eric is knowledgeable about Delaware corporate law," says a source: "He is practical, solutions-oriented and responsive." **Andrew Johnston** combines his legal practice with chairing the firm's executive committee. His capabilities cover a broad spectrum of transactional corporate matters. **Patricia Vella** acts on a broad spectrum of corporate matters. These include transactional work with household-name clients. **Jeffrey Wolters** is regularly sought out for his experience in high-value transactions. His recent work has seen him handling cross-border matters. **Tarik Haskins** is an up-and-coming attorney best known for his work with alternative entities. He regularly advises companies on the Delaware elements of M&A.

## Intellectual Property

<b>Intellectual Property</b>
<b>Leading Firms</b>
<b>Band 1</b>
Morris, Nichols, Arsht & Tunnell LLP
<b>Leading Individuals</b>
<b>Star individuals</b>
Blumenfeld Jack B <i>Morris, Nichols, Arsht &amp; Tunnell LLP</i>
<b>Band 1</b>
Jacobs Karen <i>Morris, Nichols, Arsht &amp; Tunnell LLP</i>
Smith II Rodger D. <i>Morris, Nichols, Arsht &amp; Tunnell LLP</i>
<b>Band 3</b>
Flynn Michael J <i>Morris, Nichols, Arsht &amp; Tunnell LLP</i>
Tigan Jeremy A <i>Morris, Nichols, Arsht &amp; Tunnell LLP</i>

### Morris, Nichols, Arsht & Tunnell LLP

**What the team is known for** Preeminent IP practice that comes recommended for its patent-related work and has significant experience litigating cases in all areas of technology. Stands out for its unrivaled bench strength and is also regularly engaged to advise on copyrights, trademarks and trade secrets matters, handling disputes in the Delaware District Court and Delaware Court of Chancery, as well as in federal courts around the country. Regularly acts as both lead and local counsel for clients from an array of sectors, including leading names in the technology, pharmaceutical and telecommunications industries.

**Strengths** "The team as a whole is outstanding," remarks an interviewee, adding: "They anticipate many of the logistical and legal issues likely to arise because of their background and experience."

Commentators describe the firm as "the gold standard in Delaware."

**Work highlights** Successfully acted for Bayer Healthcare in a pharmaceutical patent dispute concerning hemophilia treatment, winning \$155 million in damages.

**Notable practitioners**

**Jack Blumenfeld** is widely considered a "dean of the Delaware Bar" for his unrivalled expertise in IP matters. He specializes in pharmaceutical and technology patent infringement cases. One client describes him as "professional, articulate and knowledgeable about

strategy in and out of the courts." Another reports: "He is an outstanding lawyer and someone that we have complete confidence in." "Outstanding lawyer" **Karen Jacobs** acts as both lead and local counsel in the Delaware courts and is commended by clients for her ability to provide "valuable insights and feedback." She has a focus on patent litigation within a range of industries, including the pharmaceutical, biotechnology and telecommunications sectors. A peer notes: "Her depth of experience in the courts is hard to match and gives her an ability to reassure clients that this is their best course." **Rodger Smith** has vast experience assisting prominent clients in the technology sector, focusing particularly on complex litigation. An interviewee says: "I appreciate his guidance due to his incredible insight into the local judiciary." **Michael Flynn** acts as both lead and local counsel in IP litigation across a variety of industries. He is particularly noted for his work representing clients in the biotechnology and consumer sectors. Sources praise him as "reasonable, responsive, professional and commercially-minded." **Jeremy Tigan** regularly acts as both lead and local counsel in patent and trademark disputes. He has experience representing clients in the pharmaceutical and internet sectors. "Jeremy is very sharp and has lots of experience and good judgment," remarks a peer, adding: "I think very highly of him."

# MORRIS, NICHOLS, ARSHT & TUNNELL LLP

www.mnat.com tel: 302 658 9200 fax: 302 658 3989

**Executive Committee Chair:** Andrew M Johnston  
Number of partners: 42 Number of other attorneys: 45

## Firm Overview:

Morris, Nichols, Arsht & Tunnell LLP combines a broad national practice of corporate, intellectual property, business reorganization and restructuring, commercial law and litigation with a general business, tax, estate planning and real estate practice within the State of Delaware. The firm acts as lead counsel or co-counsel in matters of national and international significance as well as those affecting its immediate community. Morris Nichols is the Delaware representative of TerraLex, a global network of 150 independent law firms and 15,000 attorneys in nearly 100 countries.

## Main Areas of Practice:

### Alternative Entities:

Morris Nichols offers advice on all types of alternative entity matters, including the formation and operation of limited liability companies, general and limited partnerships and statutory business trusts. Handling a variety of complex transactions, the firm frequently represents private equity and hedge funds, master limited partnerships (MLPs), mutual funds and regulated trust companies in mergers, asset acquisitions and sales, structured finance and joint ventures. As leaders in the field, Morris Nichols attorneys serve on the drafting committees responsible for reviewing and proposing amendments to Delaware alternative entity statutes.

### Business Reorganization & Restructuring:

Morris Nichols is recognized as one of the premier restructuring and reorganization practices in the United States. Since 1990, Delaware has been the venue for nearly half of the nation's largest bankruptcy cases and Morris Nichols has been at the center of many of these sophisticated proceedings. It leverages that experience along with the capabilities of its corporate litigation, intellectual property, real estate, and corporate and commercial counseling practices to assist troubled businesses and other major parties in large, complex cases and adversary proceedings.

### Commercial Transactions:

The firm provides a complete range of commercial law, banking and financial services, representing lenders, borrowers, issuers and investors in all forms of financing transactions. The firm's attorneys regularly advise on bank and insurance regulatory issues and represent clients before Delaware's Office of the State Bank Commissioner and Department of Insurance.

### Corporate Counseling:

Morris Nichols advises clients on complex Delaware corporate transactions and corporate governance issues. The firm represents boards of directors or board committees, particularly in transactions that may involve director or stockholder conflicts of interest.

Morris Nichols also provides formal legal opinions on matters of Delaware corporate law. Corporate counseling attorneys have long played an important role in drafting and updating Delaware's corporate statute.

### Corporate & Business Litigation:

The firm's deep bench of corporate litigators represent clients in high-stakes corporate governance and alternative entity disputes before the Delaware Court of Chancery, Delaware Superior Court, Delaware Supreme Court, US District Court for the District of Delaware and other courts throughout the United States. Morris Nichols often handles derivative suits or class actions brought in connection with M&A transactions, takeover battles and proxy contests or other claims alleging director negligence or misconduct. The firm also provides a range of general business litigation services, appearing before all of the Delaware trial and appellate courts, state and federal, local boards and administrative agencies and before trial and appellate courts nationwide. The litigation attorneys represent clients in commercial, contract and business disputes of virtually every kind.

### Intellectual Property Litigation:

Morris Nichols is renowned as the premier patent litigation law firm in Delaware. The practice achieved preeminence in IP litigation in Delaware and nationwide serving as lead counsel in many cases and assisting as co-counsel in other cases brought to Delaware by patent litigators nationwide. The firm represents leading companies in a variety of industries, including biotechnology, pharmaceuticals, chemicals, medical devices, consumer products, semiconductors, networking and telecommunications.

### Real Estate:

The Morris Nichols real estate practice covers the negotiation and documentation of complex commercial real estate including transactions involving the development, acquisition and sale of commercial property, commercial financing, office, retail and industrial leasing and public-private development.

## PRACTICE AREAS

Business Reorganization & Restructuring  
Commercial  
Corporate Counseling  
Corporate & Business Litigation  
Intellectual Property Litigation  
Trusts, Estates & Tax

## OFFICES

### DELAWARE

WILMINGTON: 1201 North Market Street, PO Box 1347,  
DE 19899  
Tel: 302 658 9200 Fax: 302 658 3989

### Regulation/Governmental Affairs:

The firm represents public entities and agencies, and private sector clients, before legislative bodies and city, county, state and federal regulatory agencies on unclaimed property and other matters. It is actively involved in monitoring, drafting and advocating legislation and regulations that affect clients.

### Trust, Estate & Tax:

The firm acts as trust and fiduciary litigation counsel to Delaware trust companies, national banks conducting trust business in Delaware, individual trustees and beneficiaries of trusts in Delaware and other jurisdictions, and to wealthy families with trusts in Delaware. Morris Nichols provides federal income, estate, gift and generation skipping transfer tax advice to individuals, trusts, estates, business enterprises and their owners, and charitable organizations nationwide.

### Clients:

Morris Nichols clients include Fortune 500 companies, smaller companies and partnerships, individuals, financial institutions, government agencies, law firms and not-for-profit organizations.

**MORRIS  
NICHOLS  
ARSHT &  
TUNNELL**

