



## Amanda Bonn

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### Overview

Amanda Bonn is a partner with Susman Godfrey and a member of the firm's Executive Committee. Bonn handles some of the most groundbreaking and newsworthy litigation in California and across the country. Between 2020 and 2022 she was recognized as one of 100 Top Women Lawyers in California by *The Daily Journal*, an "Up and Coming" Commercial Litigator in California by *Chambers and Partners*, a Litigation Trailblazer by the *National Law Journal* (ALM), and among the 500 Leading Litigators and 500 Leading Plaintiff Financial Lawyers nationwide by *Lawdragon*.

Bonn's unique ability to master diverse subject matters has allowed her to successfully represent both plaintiffs and defendants in a wide variety of practice areas including antitrust, appellate, class action, employment, intellectual property, privacy, qui tam, and securities litigation. Bonn's versatility is evident in her wide-ranging practice in cases with hundreds of millions or billions of dollars at stake.

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*“Amanda Bonn is a rising star in the commercial sphere....”*

**Client Quote from Chambers USA 2021**

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*“Amanda Bonn: a great strategist and tactician, with exceptional judgement”*

**Client quote from Legal 500 2022**

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*"I love going to trial, but at the end of the day the most important thing is achieving a positive outcome....[A]s Mr. Susman said, we focus on what matters."*

**As quoted by *The Daily Journal***

## CUTTING-EDGE CASES

Bonn takes on formidable opponents in cases that are shaping the future of business and industry.

For example, she serves as co-lead counsel in two groundbreaking putative class actions challenging Google's unlawful collection of consumers' Internet browsing and app activity.

In the first case—which challenges Google's collection of private Internet browsing data even when users are in "Incognito" mode—Bonn recently received nationwide press for her oral argument opposing Google's motion to dismiss. Following Bonn's successful argument, the Court rejected Google's motion in its entirety, allowing this pioneering case to proceed.

The second case challenges Google's collection of users' "Web & App Activity," even after users expressly denied Google permission to do so. Once again, Bonn successfully argued against Google's motion to dismiss the case – resulting in a Court order keeping the plaintiffs' claims alive.

While Bonn frequently represents plaintiffs, she is equally adept at defending parties on the other side of the "v." Before the same Court in which she represents plaintiffs with privacy claims, Bonn simultaneously leads the defense of the world's leading commodity trading firm, Vitol Inc., in an antitrust case alleging a conspiracy to inflate California gasoline prices over a two-year period.

In another newsworthy matter, Bonn was tapped to defend Flutter Entertainment in a multi-billion-dollar dispute with Fox Sports concerning an option to purchase a stake in the leading U.S. sports betting firm FanDuel Group.

## RECENT SUCCESSES

Whether positioning a case for pre-trial settlement, trying a case before a jury, or arguing an appeal, Bonn has secured landmark rulings and victories in equally diverse and complex practice areas.

In FSG Services LLC v. Flutter Entertainment PLC, Bonn secured a favorable award for Flutter Entertainment when an arbitrator in New York nearly doubled the exercise price its opponent, FOX Corporation, sought for its option to acquire 18.6% of Flutter's portfolio company, FanDuel Group. This high stakes, high profile arbitration resulted from FOX's assertion that it should be

entitled to the same price Flutter paid for its share of FanDuel two years before the arbitration took place – \$2.1 billion, with an implied company valuation of \$11.2 billion. The arbitrator, however, found that FOX's payment must be based on a substantially higher FanDuel valuation of \$20 billion it was hoping for, plus an additional 5% interest per year. At the time of the decision, this equated to a valuation for FanDuel of \$22 billion and an option exercise price of \$4.1 billion for FOX — nearly twice the amount that FOX argued it should be required to pay. The arbitrator also rejected FOX's claim that Flutter had not provided commercially reasonable resources to the Fox Bet business.

*Click here to watch Bonn's Ninth Circuit argument on behalf of NBCU.*

As co-lead counsel to plaintiffs in *State of California et al. v. Cellco Partnership DBA Verizon Wireless et al.*—a whistleblower case accusing the major wireless carriers of fraudulently overbilling the government—Bonn supervised a wide-ranging, multi-year effort to hold some of the nation's most powerful companies accountable. After years of tenacious litigation, Bonn's team secured settlements worth a combined \$175 million against AT&T, Verizon, and Sprint on behalf of hundreds of California and Nevada government entities. These settlements are believed to be the largest of their kind in California.

Bonn was tapped to serve as co-lead trial counsel defending a KBR subsidiary in a trade secret case seeking over \$20 million, replacing prior counsel three years into the case and on the eve of trial. Bonn delivered the opening statement, cross-examined the plaintiff's technical expert, and cross-examined the plaintiff's CEO and Chairman of the Board. The jury returned a complete defense verdict on the trade secret claim and the Court ultimately awarded damages of just \$68,000 on ancillary claims. Read Bonn's lethal cross-examination of the plaintiff's technical expert here.

NBCUniversal hired Bonn to turn things around after its subsidiary, Universal Cable Productions, lost a major insurance dispute with Atlantic Specialty Insurance Co. As lead appellate counsel, Bonn turned a total loss into a complete victory, obtaining a widely-covered and precedent-setting insurance win at the Ninth Circuit.

As co-lead trial counsel, Bonn continued racking up victories in the district court upon remand, securing a rare plaintiff-side summary judgment on liability, and positioning the case for a trial solely on the issues of damages and whether the insurance company acted in bad faith. The night before trial in which Bonn was slated to deliver closing arguments, the case settled on confidential terms.

## Notable Representations

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### Antitrust

- ***The People of the State of California v. Vitol Inc. et al.; In re Cal. Gasoline Spot Market Antitrust Litig.*** Serving as co-lead counsel for Vitol Inc.—the world’s largest independent energy trading company—in related antitrust cases filed by the California Attorney General and class action law firms. Both cases allege that Vitol conspired to manipulate “spot market” gasoline prices between 2014 and 2016, allegedly elevating retail gasoline prices in California in violation of California’s Cartwright Act.
- ***In re Qualcomm Antitrust Litigation.*** In this massive antitrust litigation against Qualcomm for its anticompetitive patent licensing practices—a ground-breaking case at the intersection of patent and antitrust law—Bonn is part of a team of lawyers at Susman Godfrey who have been appointed co-lead counsel for a class of indirect purchasers of cellular devices. Bonn oversees technical experts and has taken depositions of senior Qualcomm executives. In addition, Bonn was principally responsible for briefing Plaintiffs’ successful opposition to Qualcomm’s motion to dismiss and motion for class certification, resulting in the Court finding “substantial,” “strong,” and “compelling” evidence supporting certification. An interlocutory appeal of the class certification order is currently pending before the Ninth Circuit.

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### Appellate

- ***Universal Cable Productions LLC et al. v. Atlantic Specialty Insurance Co.*** Hired by NBCUniversal to turn things around after its subsidiary, UCP, lost a major insurance dispute with Atlantic Specialty Insurance Co., Bonn obtained a total reversal in the Ninth Circuit in a widely-publicized decision about whether acts of terrorism fall within the standard “War Exclusions” common to many insurance policies. (*Universal Cable Prods., LLC, et al. v. Atlantic Specialty Ins. Co.*, 929 F.3d 1143 (9th Cir. July 12, 2019). On remand, the district court found in UCP’s favor on liability and set a trial solely on the issues of damages and Atlantic’s bad faith. The case settled for a confidential amount the night before a trial in which Bonn was slated to deliver closing arguments,
- ***Oliver et al. v. SD-3C LLC, SanDisk, Panasonic, & Toshiba.*** Successfully briefed and argued a Ninth Circuit appeal in this groundbreaking case at the intersection of patent and antitrust law, asserting antitrust claims arising from Defendants’ patent licensing arrangements relating to SD Card technology.

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### Complex Technology and Intellectual Property

- ***Brown et al. v. Google, LLC.*** Serves as co-lead counsel to Plaintiffs in this groundbreaking privacy case against Google over allegations that Google secretly collects users’ internet browsing information even when they are in “Incognito” mode, in violation of the federal Wiretap Act and

various California state laws. Bonn made nationwide news for her argument before Judge Lucy H. Koh on Google's motion to dismiss when she told the Court that while Google makes it seem like private browsing mode gives users more control of their data, "Google is saying there's basically very little you can do to prevent us from collecting your data, and that's what you should assume we're doing." The Court subsequently denied Google's motion in its entirety in a landmark privacy decision.

- ***Rodriguez et al. v. Google, LLC.*** Serves as co-lead counsel for a putative class of plaintiffs who allege that Google continues to collect users' Internet and application activity even when users turn Google's "Web & App Activity" button off. Bonn argued Plaintiffs' opposition to Google's motion to dismiss before Judge Seeborg who issued a significant order keeping Plaintiffs' case alive, finding that Google's "public-facing statements" on privacy "are legitimately confusing," "[t]he average internet user is not a full-stack engineer; he or she should not be treated as one," and "it is not the public's fault for being confused...."
- ***Preservation Technology v. MindGeek.*** Served as part of the Susman Godfrey team pursuing a portfolio of patents developed at the USC Shoah Foundation to catalog videos of Holocaust survivors against MindGeek and its affiliated porn sites for infringement. The case settled on confidential terms.
- ***Positron Systems, Inc. v. Wyle Labs., Inc.*** Served as co-lead trial counsel defending Wyle Laboratories, a subsidiary of American engineering, procurement, and construction company, KBR, in this trade secret case concerning X-ray technology used to detect corrosion on aircraft. At trial, Bonn delivered the opening statement, cross-examined the plaintiff's sole technical expert, and cross-examined the plaintiff's CEO and Chairman of the Board. While the plaintiff had been seeking tens of millions of dollars, the jury delivered a defense verdict on the trade secret claim and rejected nearly all of plaintiff's claimed damages. The plaintiff was awarded approximately \$250,000 by the jury on ancillary claims—which the Court then reduced to \$68,000 based on Susman Godfrey's post-trial motions.
- ***Peak Web v. Machine Zone.*** Prosecuted Peak Web Litigation Trust's \$100+ million claim against Machine Zone for breach of contract, fraud and theft of trade secrets in state court in San Jose, CA. The case was settled shortly before trial for a confidential amount.
- ***Rockstar v. Google.*** Represented a joint venture of Apple, Ericsson, Sony, and Blackberry in this massive patent dispute concerning Google's core "search-plus-advertising" business. Bonn defended the patent inventor's deposition, briefed and argued claim construction issues, and argued key discovery motions that resulted in significant wins in the weeks preceding the parties' post-*Markman* resolution as part of a \$900 million settlement.

- ***ViaSat v. Space Systems/Loral et al. (SSL)***. Played a significant role from filing through a jury verdict and post-trial motions in this high-stakes patent litigation, with over \$1 billion in potential exposure. Bonn briefed and argued motions to dismiss, claim construction, motions for summary judgment, and post-trial motions. She also oversaw all technical expert work on infringement and invalidity; took and defended significant depositions, and examined key witnesses at trial, including the second-highest-ranking executive at Loral, Loral's invalidity expert, and a key third-party witness.

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## Complex Commercial Disputes

- ***FSG Services Inc. v. Flutter Entertainment***. Secured a favorable award for Flutter Entertainment when an arbitrator in New York nearly doubled the exercise price its opponent, FOX Corporation, sought for its option to acquire 18.6% of Flutter's portfolio company, FanDuel Group. This high stakes, high profile arbitration resulted from FOX's assertion that it should be entitled to the same price Flutter paid for its share of FanDuel two years before the arbitration took place – \$2.1 billion, with an implied company valuation of \$11.2 billion. The arbitrator, however, found that FOX's payment must be based on a substantially higher FanDuel valuation of \$20 billion it was hoping for, plus an additional 5% interest per year. At the time of the decision, this equated to a valuation for FanDuel of \$22 billion and an option exercise price of \$4.1 billion for FOX — nearly twice the amount that FOX argued it should be required to pay. The arbitrator also rejected FOX's claim that Flutter had not provided commercially reasonable resources to the Fox Bet business.
- ***State of California, et al., On The Go Wireless, LLC, v. Cellco Partnership, et al.*** Served as Susman Godfrey's lead California trial counsel representing the largest political subdivisions in the largest state in the nation—including the University of California system, the California State University System, and the County of Los Angeles, to name a few—in this groundbreaking suit against Verizon, AT&T, and Sprint for over-billing the government. Bonn helped secure settlements with all defendants collectively valued at \$175 million, which have been paid to hundreds of California and Nevada government entities. These record-setting settlements are the largest of their kind in California.
- ***Fairfax Financial Holdings Limited and Crum & Forster Holdings Corp. v. S.A.C. Capital Management, LLC, et al.*** Defended Third Point LLC against this civil RICO securities case seeking over \$10 billion in damages. Bonn deposed the plaintiff's experts, including the former chief accountant of the Securities and Exchange Commission, successfully drafted trial and appellate briefs that resulted in piercing the plaintiff's privilege log, and contributed to securing dismissal of the plaintiff's claims against Third Point in their entirety on summary judgment.

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## Labor & Employment

- **Various employment matters for Zillow—*Kremer v. Zillow, Boehler et al. v. Zillow, Young v. Zillow, Johnson v. Zillow, and Freeman v. Zillow*.** Defended Zillow against a wage-and-hour class action, a Department of Labor investigation, and a series of high-profile individual employment lawsuits alleging sexual harassment, gender discrimination, race discrimination, retaliation, and wrongful termination—all of which were filed simultaneously by celebrity lawyer Mark Geragos and one of which was covered on the front page of the *New York Times*.
- **Various employment matters for Dean Foods subsidiaries— *Parker v. Dean Transportation, Inc., de la Cueva v. Alta-Dena, and Perez v. Alta-Dena*.** Successfully litigated a series of putative wage-and-hour class actions against several subsidiaries of Dean Foods, one of the nation's leading food and beverage companies, defeating more than six attempts to certify putative classes bringing wage-and-hour claims.
- ***Deitelbaum v. Rawlings*.** Represented The Rawlings Co., one of the nation's leading subrogation recovery firms, in a mis-classification case in Central District of California. Bonn successfully briefed motions to dismiss, resulting in dismissal of Plaintiffs' California PAGA claims on behalf of other employees, as well as the plaintiff's meal and rest break claims. Bonn's work transformed this case seeking to represent a class of Rawlings' employees asserting overtime, meal break, and rest break claims to a single-Plaintiff case involving only overtime claims. The case settled on confidential terms.

## Honors & Distinctions

- 40 and Under Hot List, Benchmark Litigation ([2018](#), [2019](#), [2020](#), [2021](#), [2022](#), [2023](#))
- Up and Coming Commercial Litigator in California, *Chambers and Partners* (2021 – 2023)
- Leading Lawyer – General Commercial Disputes, *The Legal 500* (Legalease Ltd., [2022](#), [2023](#))
- *Lawdragon* 500 Leading Litigator ([2022](#), [2023](#))
- Up and Coming Commercial Litigator in California, *Chambers and Partners* (2021)
- [Top 100 Women Lawyers in California](#), *The Daily Journal* (2021)
- Recommended Lawyer – General Commercial Disputes, *The Legal 500* (Legalease Ltd., [2021](#))
- [Litigation Trailblazer](#), *National Law Journal* (2020, ALM)
- *Lawdragon* 500 Leading Plaintiff Financial Lawyers ([2019](#), [2020](#), [2021](#), [2022](#), [2023](#))

- Southern California Rising Star, Super Lawyers (Thomson Reuters, 2013 – present)

## *Clerkships*

Honorable Dean D. Pregerson, United States District Court for the Central District of California, 2009-2010

## *Education*

**The University of California, Los Angeles** (B.A., Political Science, summa cum laude, College Honors, 2006)

- American Mock Trial Association National Champion (2004 & 2005)
- American Mock Trial Association All-American Attorney (2004 – 2006)

**Stanford Law School** (J.D., , 2009)

- Notes Editor, Stanford Law Review
- Stanford Mock Trial Tournament, Best Advocate (2007)

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## *Admissions*

### **Bar Admissions**

- California

## *Wins*

Susman Godfrey Secures Landmark Win for Flutter Entertainment in Multi-Billion Dollar Arbitration against FOX Corporation

Verizon, AT&T Agree to Pay \$116 Million in California and \$11 Million in Nevada to Settle Whistleblower Cases