

## Plaintiffs Bar Perspective: Susman Godfrey's Matthew Berry

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Matthew R. Berry, a partner at Susman Godfrey LLP in Seattle, represents plaintiffs and defendants in state and federal courts across the United States, including courts in New York, California, Delaware, Washington, Louisiana, Massachusetts, Texas and Alaska.

Since joining Susman Godfrey, Berry has worked on a variety of complex commercial litigation matters including antitrust, patent infringement, pharmaceutical licensing, patent licensing, piercing the corporate veil, audit malpractice, bankruptcy plan confirmation, breach of contract, life settlement insurance, wage and hour class action, and violations of the False Claims Act.



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Recently, Berry played an integral part of the trial team that represented whistle-blower David Kester in his highly publicized suit against Novartis Pharmaceuticals and specialty pharmacies, which settled with the U.S. government and the relator in 2016 for \$490 million. Currently Berry is counsel in *In re Animation Workers Antitrust Litigation* where he represents a class of animation and visual effects employees who worked for DreamWorks, Disney and other Hollywood heavyweights over an alleged anti-poaching and wage-fixing conspiracy. Settlements in this case have exceeded \$165 million, subject to final court approval. Berry is also counsel to Green Mountain Glass in *Green Mountain Glass and Culchrome LLC v. Saint-Gobain Containers Inc. dba Verallia*, a patent infringement suit where Green Mountain was recently awarded a \$50.3 million verdict by a federal jury in Delaware.

### **Q: What's the most rewarding aspect of working as a plaintiffs attorney?**

A: Having skin in the game. Nothing beats the satisfaction of getting a great result for the client, and sharing in the success. It's win-win. When you do big-ticket, plaintiff-side, commercial litigation, you are not seen as some sort of needless expense or burden on the client. On the contrary, you are partnering with your client to monetize an asset while righting a wrong.

### **Q: What skill do you feel is most important for achieving success as a plaintiffs attorney?**

A: Cases are typically decided based on a relatively small number of key issues. Because these issues often don't arise until later in the case, many lawyers don't take the time at the outset to identify them. This is a mistake. It is critical not only to identify those key issues at the outset of the case, but to also plot a strategy for getting them resolved in your favor.

**Q: Share an example of a case that was particularly challenging, and how you handled it.**

A: A particularly challenging and rewarding case involved a dispute over rights to a life-saving cancer drug. Our client was a startup company with an extremely talented group of scientists who had licensed the rights to develop compounds to treat prostate cancer. The battle started when a large company filed an action claiming that it owned the rights to our client's compounds.

Within weeks of being retained, we secured an accelerated discovery schedule which enabled us to complete discovery and file summary judgment motions less than a year after the case was first assigned to a judge. We prevailed on the motions, and within four months of the court issuing final judgment, our client sold the compounds to a major drug company for a deal worth \$1 billion.

**Q: What advice would you offer to young lawyers interested in practicing as a plaintiffs attorney?**

A: Learn by doing. Volunteer for everything. Know the documents by heart. Opportunities to handle depositions and hearings will soon follow.

**Q: What's one thing defense attorneys don't understand about practicing as a plaintiffs attorney?**

A: Scorched-earth litigation does not work. Not only does it result in huge bills to the client and needlessly burdens the court, it also distracts the trial team from focusing on what actually matters.

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