

Daily Journal

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TOP

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EDITORS' NOTE

Every year, the editors of the *Daily Journal* look at the work of hundreds of California lawyers. Lawyers who have impact – on an industry or on the larger society – are whom we seek to honor. They get results by the sheer force of their intellect and skill and sometimes just by sheer force.

Lawyers in California

APPELLATE

JEREMY B. ROSEN

HORVITZ & LEVY LLP
LOS ANGELES

SPECIALTIES: anti-SLAPP
and First Amendment law

Rosen spent the last year taking on the issues most important to his client, the U.S. Chamber of Commerce.

He represented the chamber in its role as a friend of the court in a number of appellate cases, including a 9th U.S. Circuit Court of Appeals case that could have significant impact on how mass action lawsuits are treated by trial courts.

The case, *Romo v. Teva Pharmaceuticals USA Inc.*, weighs which rules apply in complaints filed by multiple groups of plaintiffs, numbering less than 100 people each.

Rosen said plaintiffs' attorneys want such mass actions to be coordinated in one courtroom, but don't want them to be removed to federal court under the Class Action Fairness Acts. The argument is



that no single case meets the threshold of 100 people to qualify as a class action, so the act doesn't apply.

"When you're coordinating cases, it's basically treating them as the same case," Rosen said. "You can't have it both ways."

Rosen presented arguments for the chamber and another client, the Pharmaceutical Researchers and Manufacturers of America, in friend of the court briefs. The 9th Circuit panel decided in favor of the plaintiffs, but the dissenting opinion sided with Rosen's analysis of the case.

The court then accepted the defendant's petition for en banc review. The case was reargued in June and a decision is forthcoming.

The dissent, written by Judge TK Gould, likely helped win the petition for en banc review, Rosen said.

"He's right at the center of the court," Rosen said of Gould. So, "he would get the attention of a lot of the members of the court."

<< Laura Hautala