

MVP: Weil's David Lender

By **Cara Salvatore**

Law360 (November 5, 2024, 12:02 PM EST) -- David Lender of Weil Gotshal & Manges LLP won a trade secrets arbitration for GoodRx and a contract jury trial for ExxonMobil against BP over an oil spill in north Brooklyn — where he grew up — after just two hours of jury deliberations and having the opportunity to cross-examine former federal judge Shira Scheindlin, an expert witness in the case, earning him a spot as one of the 2024 Law360 Trials MVPs.

His biggest challenge:

Lender said his biggest challenge was the case in which his client, health coupon provider GoodRx, went into arbitration against South Carolina health tech startup Famulus Health LLC over claims the startup misused confidential business secrets. Lender won \$55.5 million for GoodRx.

Following the arbitration win, Famulus filed for bankruptcy, which Lender said was to prevent the arbitration award from being confirmed.

"The challenge of that case was what's happened since we won," he said.

"I argued it all, including in the bankruptcy," Lender said. "It's the hardest thing to do, is collect on a judgment. Getting the judgment is just the first step along the way."

The award has now been confirmed.

Why he's a trials attorney:

Lender said he delights in having a clear winner and loser in his job.

"There are very few professions where somebody wins and somebody loses. It's instant gratification," he said. "It's a binary thing if you go to trial."

He also distinguished himself from a litigator, who may do years of briefing and argument that can lead up to trial but never end up picking a jury or giving opening arguments.



"Firms like ours have hundreds and hundreds and hundreds of litigators, but not all the litigators are going to trial," Lender said.

His advice for junior attorneys:

Lender said it's important for junior attorneys to get themselves noticed. Usually, by offering to do work or sharing opinions and thoughts.

"Volunteer for as many things as possible. Get involved as much as possible and show initiative," Lender said. "The junior attorneys, I think, sometimes get too caught up in the subject matter, as opposed to opportunities where they'll be able to get real experience. Own the cases, because if you show initiative, you're going to get opportunities before other people."

Lender said he made a point of including junior attorneys in his trials in the award period, and in another trial in May 2023 within the Serta Simmons Bedding bankruptcy.

"In each of the trials, my second chair was an up-and-coming younger trial lawyer," something he said he's "particularly proud of."

Other notable cases he's worked on:

Lender singled out a 2018 verdict that allowed a grocery wholesaler to walk away from claims it conspired to divvy up the U.S. market. His client, C&S Wholesale Grocers Inc., was accused of hatching a deal with SuperValu to not compete in the New England and Midwest wholesale markets.

"Antitrust class actions just never go to trial because the stakes are too high," Lender said. "Whatever the jury awards is automatically trebled."

But he said the defense verdict came in just one hour after a nine-day trial, and he had to "give the clients credit for going to trial" — unlike the co-defendant, which settled beforehand.

Lender also prepared for two cases that didn't go to trial: a dispute between insurance giant AIG and another company with AIG in its name, and a baseball antitrust suit. Both settled before trial.

--As told to Cara Salvatore. Editing by Drashti Mehta.

Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2024 MVP winners after reviewing nearly 900 submissions.