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LEADING COMMERCIAL LITIGATORS 2024



PAUL LOH

Willenken LLP

Los Angeles

Commercial Litigation

Takeda concerning a breach of a pharmaceutical supply contract for Lupron, a leading drug for treating advanced prostate cancer. The case was notable for the significant financial stakes involved, with the ultimate award to AbbVie exceeding \$489 million.

Loh said the matter was significant not only because of the complex, high financial stakes, but because it also concerns a critical, life-extending cancer drug, Lupron, which is the gold standard for the treatment of advanced prostate cancer.

"The suit sought to vindicate AbbVie's rights with respect to this important drug, and the tens of thousands of health care providers and patients who rely on the drug," he said. "Moreover, we are particularly honored and proud that this sizable judgment was obtained by a 100% minority-owned law firm and the trial team was 100% diverse."

Loh said one of the main challenges was that all of the depositions and the entire phase one liability trial were conducted remotely over Zoom during the height of the pandemic.

"The case involved a remarkable amount of discovery, consisting of over 300,000 documents from just the parties alone, which we were able to surmount be-

cause our firm leverages the latest technological capabilities and we have a dedicated, in-house e-Discovery Manager," he said. "Moreover, the phase two damages trial implicated extremely complex economic analyses and modeling, which, with the help of our experts, we were able to master, and our damages theory ultimately prevailed at trial to ensure the substantial recovery we obtained for AbbVie."

In terms of trends, Loh said for high-stakes, complex trials, the ever-increasing volume of e-discovery and electronic data will require trial teams to harness, master and leverage technology, including artificial intelligence, to digest, analyze and organize information, and to aid in the creative process of trial preparation, such as the development of case stories and themes.

"In addition, trial teams going forward will need to embrace diversity, not only because of the changing demographics of jurors and judges, but particularly in sophisticated, multifaceted cases, preparing and presenting a compelling, comprehensible trial narrative will require trial teams to be staffed with members of diverse backgrounds and perspectives who can help sharpen storylines," he said.

Paul Loh, a managing partner at Willenken LLP and a trial lawyer, has tried more than 120 jury trials, court trials and arbitrations.

One of his notable cases is representing AbbVie in a high-stakes trial against