

# Benchmark Once Again Names Six BLB&G “Litigation Stars”

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*Benchmark Litigation* (“*Benchmark*”), a leading industry observer, has named BLB&G partners Max Berger, John Browne, Salvatore Graziano, Mark Lebovitch, Gerald Silk, and Hannah Ross as litigation “Stars” in the latest edition of its “definitive guide to America’s leading litigation firms and attorneys.”

*Benchmark* cites peers who recognize that BLB&G’s senior managing partner Mr. Berger “is larger than life – no one is like him and everyone loves him...He is very hands-on and is very active in getting up and settling cases, getting big money back for his clients.” Mr. Lebovitch is also praised for his “high level of creativity, especially in the activist space, where he is very prominent.” The profile highlights his success in obtaining the historic \$153 million settlement in *In re Freeport-McMoRan Copper & Gold Inc. Derivative Litigation* – the second largest shareholder derivative settlement in Delaware Court of Chancery history; and his success in obtaining a 26% premium for investor over the merger price in *Merion Capital LP v. Safeway Inc.*, netting \$127 million for the settling funds. He is also commended for successfully suing Tibco Software Inc to reform a merger agreement to reflect the true value of the proposed deal (representing nearly \$92 million more for stockholders), and sued defendants to hold them accountable for their respective roles in causing the share count error. BLB&G obtained a \$30 million recovery for the Class (33 percent of recoverable damages.)

Mr. Graziano is also highly revered by his peers, who refer to him as “Bernstein Litowitz’ dangerous new breed,” and as “someone who has successfully merged old-school trial lawyer panache with new-school comprehensive understanding of financial instruments.” Mr. Graziano is lauded for achieving a \$1.062 billion settlement in the case against Merck arising from allegations that it misrepresented and omitted information to investors concerning life-threatening risks posed by its painkiller, Vioxx. The settlement is considered the second largest recovery to be obtained in the Third Circuit, one of the top 10 securities recoveries of all time, and the largest recovery ever achieved against a pharmaceutical company.

According to *Benchmark*, peers “insisted that notice must be given to Gerald Silk. He is a great organizer and a great thinker. [He is] never one of these ‘let’s just throw spaghetti against the wall and see if it sticks’ types that inhabit too many plaintiff shops (and bring frivolous cases.) He is very business-minded and never wastes anyone’s time.”

The rankings are published in the 2018 *Benchmark Litigation Guide to America's Leading Litigation Firms and Attorneys*, which is compiled by the publishers of leading financial news magazines *Institutional Investor* and *Euromoney* and identifies the leading U.S. trial attorneys and firms at the local and national levels. Focused exclusively on the U.S. litigation market, the publication's rankings and editorials are the result of extensive interviews with private practice lawyers and in-house counsel.