

### Litigation Leaders: Willkie's Tariq Mundiya on New Offices, Nimble Staffing and Litigating With a Single Purpose

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By Jenna Greene  
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Welcome to another edition of our *Litigation Leaders* series, featuring the litigation practice leaders of the biggest firms in the country.

Meet Tariq Mundiya, who chairs the litigation practice at Willkie Farr & Gallagher. Based in New York, his practice focuses on internal investigations, securities and corporate litigation, and litigation arising out of mergers and acquisitions and other corporate control transactions.

**Litigation Daily: Tell us a little about yourself—beyond what's in your law firm bio.**

Tariq Mundiya: I came to the U.S. from the U.K. in the late 1980s on a bit of a frolic. After graduating from Cambridge University, I managed to get a Harkness Fellowship (which was the U.K.'s answer to the Rhodes scholarship), planned to spend a couple of years of fooling around in New York, and then head back to London to work as a commercial barrister.

Nothing ever turns out as you expect. In the early 1990s, I met my future wife in an elevator in a New York City office building, stuck around for the next 30 plus years, and we raised two terrific children who are now in college. They are both pretty serious violinists so we spend vast amounts of time on the road at musical festivals, competitions and performances. We are incredibly lucky to live so close to Carnegie Hall and Lincoln Center, which we visit far too often. Both are a short walk from Willkie's New York offices, which means temptation is omnipresent.

I am an avid runner and have run in the last four New York City marathons. In November 2019, I finally achieved my dream of finishing the NYC marathon in a time that qualified me to run in the Boston Marathon. And, in the spirit of true geekiness, I still enjoy my childhood hobby of amateur radio. I am a federally licensed amateur radio operator which means I communicate (including by Morse code....) with people all over the world on my shortwave radio. Don't laugh. You'd be surprised how many people here in the U.S. and around the world still do that.

**How big is your litigation department and where are most of your litigators concentrated geographically?**

We have close to 200 lawyers in the department. The vast majority are in New York, but we have a significant litigation presence in Washington, San Francisco and now Chicago. Internationally, we have litigators in London, Paris and Frankfurt. It's actually an exciting time to be a litigator at the firm. Despite the pandemic, we just opened our new Chicago office led by Craig Martin on March 31. In less than two months, that office now has



Tariq Mundiya  
Willkie Farr & Gallagher LLP

25 lawyers—20 of them litigators specializing in intellectual property, ERISA, antitrust, and class actions.

**In what three areas of litigation do you have the deepest bench? (I know it's tempting to list more, but please just name three)**

Securities/M&A litigation: Our litigators have been involved in precedential rulings from the highest courts in Delaware and New York on fiduciary duties. (I argued the seminal MFW case on controlling stockholder duties on behalf of the special committee in the Delaware Supreme Court as well as the seminal Kenneth Cole case for the controlling stockholder in the New York Court of Appeals).

Todd Cosenza is routinely hired to defend underwriters in complex securities litigations around the country. My partners Mary Eaton, Jeff Korn and Tony Yanez are involved in some of the most cutting edge securities issues that are being litigated in the federal and state courts today, such as the intersection of the #metoo movement and the federal securities laws. Sameer Advani and Shaimaa Hussein have successfully handled some of the most high profile M&A litigation at our firm in recent years, including major litigation for Xerox Corporation.

SEC/DOJ enforcement and compliance: Our litigators are former prosecutors and regulators and have been involved in groundbreaking cases. Michael Schachter and Casey Donnelly in New York together with lawyers in our London office worked on U.S. v. Anthony Allen in which Rabobank's Anthony Allen was exonerated for Libor manipulation charges in a cornerstone case before the Second Circuit. Together with our new partner Randall Jackson, Michael and Casey achieved a stunning victory in 2019 in United States v. Boustani after a six week trial (more on that below).

Bill Stellmach, is the co-chair of our white-collar defense group and previously served as the head of the Fraud Section of the U.S. Department of Justice's Criminal Division, a senior counsel in the enforcement division of the SEC and an assistant U.S. attorney in the SDNY. Amelia Cottrell is a former associate director of the Securities and Exchange Commission's New York Regional Office and was one of the top enforcement officials in that office. Together with Elizabeth Gray in

our D.C. office (also a former SEC enforcement lawyer), our collection of experienced former government lawyers explains why clients repeatedly trust us with some of their most sensitive enforcement matters.

Intellectual Property: Led by Tom Meloro, the chair of our intellectual property department, the department has routinely won patent cases at the trial and appellate level including victories for Hospira invalidating a patent regarding Avastin, a precedential victory for Hospira involving key aspects of the Biologics Price Competition and Innovation Act, affirmance of a judgment of invalidity of a patent regarding Invanz, and affirmance of a judgment of non-infringement concerning a Nasonex patent. The addition of our new Chicago IP litigators will only strengthen our bench.

**As head of the department, what are some of your goals or priorities?**

We have opened offices in San Francisco and Chicago within the last year. My new colleagues in those offices are some of the most successful, talented and hungry litigators I have ever met. Building out those offices is a key priority for us.

Diversity: I cannot overstate the firm's commitment to making the department diverse across both the associate and partner ranks. Whether by nurturing diverse talent from within the firm, or through lateral hiring, the litigation department is committed to creating diverse teams of lawyers to work on our most important matters. My partners Shaimaa Hussein and Sameer Advani have been instrumental in spearheading that effort.

Associate development: We pride ourselves on giving associates meaningful roles in significant matters and we really mean it. Last fall, a senior associate, Jocelyn Sher, delivered the opening statement in a major federal criminal trial in the SDNY. In another major criminal trial, United States v. Boustani, Casey Donnelly, then a senior associate, and now my partner, played a critical role at trial.

**What do you see as hallmarks of your firm's litigators? What makes you different?**

Most of our cases, even the really big ones, are staffed nimbly so everybody gets to add value. Clients expect excellence with efficiency and that's what they get when they come to us. This sounds so clichéd, but once

hired, we litigate with a single purpose in mind: to win.

I like to think of ourselves as highly collaborative and creative trial lawyers. We assume every case is going to trial and plan a case from Day One with that in mind. I can't tell you how often my partners and I are up late at night thinking of creative ways to keep the other side at bay. Many of the clients that I work with come to us after others have advised "It can't be done." That always reminds me of my primary school teacher's admonition: "Tariq, repeat after me, can't is NOT in our vocabulary."

Sometimes litigation is like a game of chess, and sometimes it's just good old-fashioned hand-to-hand combat. Regardless of where any particular case falls on that spectrum, Willkie litigators really enjoy what they do and the results demonstrate it.

**How many lateral litigation partners have you hired in the last 12 months? (Please mention names). What do you look for in lateral hires?**

2019 and 2020 have been some of our biggest years of growth in the litigation department. We have a talent-driven approach and have been able to attract a remarkable team of top-notch litigators spanning almost all of our geographic locations, all of whom fit within our very special collaborative culture.

Simona Agnolucci and Ben Hur launched and co-lead our San Francisco office, opened in 2019. The office provides litigation depth on the West Coast, complementing our Palo Alto office and enabling us to serve our clients coast-to-coast. Simona and Ben are two of the country's leading litigators focused on complex litigations including class actions, commercial disputes and white-collar criminal defense.

Mark Stancil joined our Washington office and has a strong record of success at the trial and appellate levels, in particular for investment disputes with billions of dollars at stake. Mark was a clerk for Chief Justice William H. Rehnquist and will bolster our appellate practice. He also brings significant expertise at the bankruptcy court level, which is a key focus right now. We worked with Mark prior to his joining Willkie and are thrilled to have him with us.

Michael Gottlieb also joined our Washington office, and is the leader of our crisis management practice. Mike has done it all both inside and outside of private practice. He was a clerk for Justice John Paul Stevens, associate counsel

to President Obama as the deputy director of an international civil-military task force devoted to anti-corruption development in Afghanistan, served as an assistant U.S. attorney for the Central District of California, and a staffer on the U.S. Senate Judiciary Committee. In private practice, Michael has represented companies and foreign governments in matters large and small and has been a perfect fit for the needs of our clients.

Randall Jackson joined our New York office and is recognized as one of the premier trial lawyers in the city. He is a go-to lawyer for corporations and individuals who are facing high-stakes litigation. Randall has fit in seamlessly to the firm and we are glad to have him on our side of the table.

Craig Martin leads our new Chicago office. While the office has only been open for less than two months, it feels as though we have been working with our new colleagues for a lot longer. Craig is an accomplished trial lawyer and strategist. Also joining Craig are Amanda Amert, Matt Basil, Sara Horton, Matt Thomas, and Michael Babbitt—all top trial lawyers who have worked together for decades. It's very rare to be able to attract such a high-caliber team as this.

**What were some of your firm's biggest in-court wins in the past year?**

We achieved a groundbreaking and highly-publicized victory in the criminal securities fraud trial of Privinvest Group executive Jean Boustani over an alleged \$2 billion fraud and kickback scheme involving Mozambican state-backed loans. After a six-week trial, the jury acquitted Boustani on all charges in a matter of hours.

Recognizing the primacy of bylaw deadlines, we secured an important ruling by the Delaware Supreme Court which held that certain closed-end funds managed by BlackRock could exclude nominees proposed by an activist investor for failing to meet bylaw-imposed deadlines to return a director questionnaire.

We also achieved a significant victory for various Citgo entities and Venezuela's new Guaidó government in the Delaware Chancery Court which dismissed, on political question and act of state grounds, a challenge by the Maduro government to seize control of Citgo.

We have secured several dismissals of 1933 Securities Act cases in state court (which are increasingly being

commenced in state court after the Supreme Court's Cyan decision). Among those were the dismissal with prejudice by a Colorado state court of claims brought against CenturyLink Inc. arising from its \$34 billion merger transaction with Level 3 Communications, Inc. Another involved dismissal of claims brought in New York against the underwriters of GreenSky's 2018 IPO.

We won a large patent trial for Hospira, Inc., a division of Pfizer, in the federal district court in Delaware arising from Hospira's formulation of epinephrine, a drug typically used to treat critically ill patients. The court ruled in favor of Hospira on non-infringement and invalidity of patents owned by Belcher Pharmaceuticals, including a rare finding that Belcher's Chief Scientific Officer had engaged in inequitable conduct during the prosecution of the patent.

**Can you give an example or two of tactics that exemplify your firm's approach to litigating cases?**

One of our clients was sued in New York on a seemingly straightforward contract case. Instead of electing to defend here and assert counterclaims, we elected to take the fight to the plaintiff and quickly responded by filing a wide-ranging fraud and contract lawsuit in Switzerland where we believed the case should be litigated. We concurrently filed a motion to dismiss in New York on personal jurisdiction and forum non conveniens grounds and won.

Our litigators also work seamlessly with colleagues from other departments to get the best results for our clients. In one case, we represented a hedge fund in litigation in the Delaware Chancery Court to enforce an oral agreement to settle a proxy contest after the issuer reneged on the agreement. Working hand in hand with corporate partners who specialize in proxy contests and activist campaigns, our litigators handily dismantled the defendants' case and obtained a total victory for the client after trial.

**Where are you looking to build or expand in the next year?**

We are really excited to solidify our new offices in Chicago and San Francisco.

**How are you coping with the current economic downturn?**

I've never been more proud to be a Willkie lawyer. We have really come together as a firm and a family helping

each other in ways that were unimaginable a few months ago. Willkie employees are leading firm-wide Zoom workout and yoga sessions, story time for kids, as well as wine classes. Our staff have engaged in herculean efforts to keep the firm running smoothly.

It is still a little early to tell how the firm's business will be impacted but the beauty of a firm like ours is that we have departments that are counter-cyclical. So our restructuring, litigation, private equity and asset management departments remain robust.

Willkie has also undertaken a number of initiatives to help those impacted by the COVID-19 virus. We have joined firms to provide small businesses with support and guidance through Lawyers for Good Government, the City Bar Justice Center, D.C. Bar Pro Bono Center and Houston Office of Business Opportunity. Willkie is also working with the National Association of Criminal Defense Lawyers, Washington Lawyers' Committee on Civil Rights and Urban Affairs and Families Against Mandatory Minimums on the Compassionate Release COVID-19 Clearinghouse Project as well as the Aleph Institute seeking compassionate release for federal inmates at high risk of COVID-19.

We understand that our clients have many Covid-19 related concerns. In March, we quickly put together a Covid-19 Task Force across all practice areas. Those lawyers are very engaged in providing timely advice to clients on a daily basis.

Finally, I think it's important to put the current state of affairs into perspective. Our firm has survived two world wars, the economic depression of the 1930s, the horror of 9/11 and several recessions throughout the twentieth century. I think we will get through this too.

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