

## **MVP: Latham's Michele D. Johnson**

By **Mike Curley**

*Law360 (November 8, 2024, 12:39 PM EST)* -- Michele D. Johnson of Latham & Watkins LLP successfully defended big names like X, formerly known as Twitter, Apple and Peloton from consumer class actions this year, earning herself a spot as one of the 2024 Law360 Class Action MVPs.

### **Her biggest accomplishment this year:**

Johnson told Law360 that the sheer number of wins her team has racked up representing such big-name companies ranks as a major accomplishment. She credited it to the way her teams approach storytelling in court.

Those victories included scoring a dismissal with prejudice in March of a proposed stock-drop class action against X relating to cybersecurity and data privacy concerns, and another dismissal in June of a case alleging the company violated the Illinois Biometric Information Privacy Act.

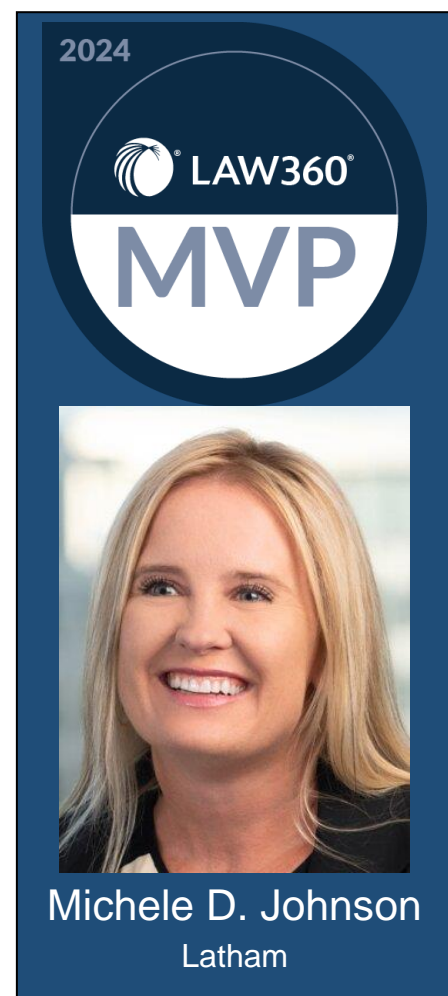
She said it's important to keep in mind that, aside from the rules of the court and the way precedents play into a case, attorneys are essentially telling the judge a story about the case, and the way her team is able to use the narrative to attack a plaintiff's pleadings has led to her success in the last year.

"That is a number of strong teams to lead to successes all in the past year," she said. "It's quite an accomplishment that we're proud of."

### **Her biggest challenge:**

The Peloton case, dismissed in October, proved a particularly exciting challenge, Johnson said, as she and her team had to convince the court of the good-faith nature of what Peloton was doing during the pandemic.

In that investor suit, the proposed class alleged the company had deliberately misled investors into believing that its COVID-19 spike in demand was sustainable and would continue, but the judge dismissed the claims, finding that the company's statements were nonactionable puffery, or not false when made.



Again, Johnson said, the team's storytelling ability was what clinched the case, as they were able to convey to the judge what was happening from Peloton's perspective in regard to what was happening in the market, weaving the story together to show that the case ought to be dismissed.

"It was leaning into the story part of the Peloton experience, while also meeting the standards for dismissal," she said.

#### **Her proudest moment:**

Johnson said her proudest moment in court this year was winning the X cybersecurity case, particularly as her team won first a federal court dismissal, then a dismissal in state court after the claims were amended and refiled, with the state court judge describing the new complaint as "judge shopping."

"That's a particularly proud moment because you can see it happening, but convincing the judge that it's really forum shopping was gratifying," she said. "It happens so often in these big cases, so to convince the judge and to see that in the order was nice."

#### **Why she's a class action attorney:**

Johnson said she got her start on products liability cases, usually defending cases brought by municipalities, which she considered a preparation for the class actions that make up much of the product liability space. From there, she moved to include securities, data and tech cases.

She added that she got a lot of early trial experience, particularly in securities class action, and it was good training for the "team sport" that is class action law. She said she enjoys attacking the law's biggest challenges with a collective mindset that she can really lean into.

"With stakes this high, the thrills of winning are magnified, and the burdens are lighter because they're shared," she said. "We don't experience losses, we have developments."

#### **Her other notable cases:**

Johnson said she's proud of the work she's done for the U.S. Soccer Federation in the long-running wages suit brought by members of the U.S. Women's National Team over their pay, saying her work led to a collective bargaining agreement.

She told Law360 that summary judgment wins in U.S. Soccer's favor paved the way for a settlement, which in turn led to the collective bargaining agreement. She added that her team came in late in the process and was able to adjust the federation's approach on the eve of trial.

#### **Her advice for junior attorneys:**

As head of a litigation and trial department that includes more than 1,100 attorneys, Johnson said she is often asked for advice, and the best she can give is for young attorneys to invest in themselves, even if the impact of that investment is not immediately apparent.

Many junior attorneys, she said, see the difficult path ahead but struggle to find meaning in all of the hard work they have to do in advance to see success.

"Doing the hard work for your clients, for the firm, for your colleagues, is also doing the hard work for

yourself," she said. "Because you'll either stay at the place where you are or you'll move, and either way you're going to take yourself with you. And if you've made those investments, they will not be lost."

*--As told to Mike Curley. Editing by Dave Trumbore.*

*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.*

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