

Litigator of the Week Runners-Up and Shout Outs

By Ross Todd

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➤ A **Latham & Watkins** team representing multinational telecom company Telefónica also secured runners-up honors this week by getting a summary judgment win in a busted deal suit against Millicom International Cellular. Millicom agreed to purchase Telefónica's Costa Rican subsidiary in 2019, but backed out of the deal after the onset of the global pandemic. Millicom initially cited the move as a "business decision" to investors, but later stated that the deal hadn't received a required "endorsement" from Costa Rica's Comptroller by a required deadline. Manhattan Supreme Court Justice Andrew Borrok this week found "that Millicom's litigation position that an endorsement of this transaction is a closing condition of this transaction is just that—a litigation position." The judge found Telefónica was deprived of the use of the full \$623 million final purchase price and was owed about \$140 million. The Latham team representing Telefónica included **Blair Connelly, Zach Rowen, Corey Calabrese, Ryan Jones** and **Molly Babad**.

➤ A separate **Latham** team working alongside co-counsel from Morrison & Foerster secured an important early win for OpenAI in a proposed copyright class action brought by Sarah Silverman and other authors targeting its blockbuster generative artificial product ChatGPT. U.S. District Judge Araceli Martínez-Olguín in San Francisco this week found that the outputs of OpenAI's ChatGPT didn't violate the rights of copyright holders whose works were allegedly used to train the company's large language models. The judge wrote that the plaintiffs failed "to explain what the outputs entail or allege that any particular output is substantially similar—or similar at all—to their books." The ruling, however, left open the question of whether Open AI inappropriately used copyrighted works to train its AI tools for commercial profit. The Latham team included **Andrew Gass**, who argued the motion to dismiss, **Joe Wetzel, Sy Damle** and **Alli Stillman**. The Morrison & Foerster team includes Joseph Gratz, Tiffany Cheung and Allyson Bennett.