

## Litigator of the Week: Belinda Lee

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When purchasers of optical disk drives sought to certify a class action claiming that foreign manufacturers conspired to fix prices, they had a Department of Justice investigation on their side and a criminal fine already logged against Hitachi-LG Data Storage. The case was lodged in the plaintiff-friendly confines of the Northern District of California federal court.

But when Judge Richard Seeborg last week denied class certification for the direct and indirect purchasers, all of that pro-plaintiff momentum fell by the wayside. Seeborg's opinion echoed much of the argument put forth by the defendants, led by Latham & Watkins partner Belinda Lee.



Arguing on behalf of Samsung, Sony, LG, Toshiba and Panasonic, among others, Lee zeroed in on flaws in the methodology used by the plaintiffs' expert to determine class-wide antitrust injury and damages. Lee pointed out that in conducting his analysis, the expert assumed there was only a single overcharge for the entire class. That, she argued, should have been the result of his analysis, not the starting point.

Judge Seeborg's ruling on 3 October followed Lee's lead and took the plaintiffs' expert to task. He wrote that the expert's model "makes no attempt to establish, but instead simply assumes, class-wide impact."

Since being appointed to serve as defence liaison, Lee has been the spokesperson for the defendants, taking the lead on motion practice, case management briefing and discovery. She has doubled up on responsibility, as Dell, HP and Acer – all direct purchaser plaintiffs in the proposed class – also filed individual lawsuits against the defendants, including her client Toshiba.

The plaintiffs were seeking over \$2 billion in combined class damages, something that Lee and her defence team won't have to worry about for now. Observers say that it wouldn't come as a surprise if the plaintiffs appealed the class certification denials to the Ninth Circuit, despite slim chances of success.

Lee will argue a motion to dismiss against HP next month, but in the meantime, her big win calls for Litigator of the Week.