

Litigator of the Week Runners-Up and Shout-Outs

By Ross Todd
October 10, 2025

➤ Shout-out to a **Latham & Watkins** team led by partner **Michael Bern**, who got a ruling from the Second Circuit last week vacating a preliminary injunction barring client Zesty Paws from advertising itself as the “#1 brand” of pet supplements sold in the United States. The appellate court found that the lower court did not apply the correct “literal falsity” standard to claims brought by rival Nutramax since a reasonable consumer could compare Zesty Paws’s combined sales to those of each of Nutramax’s individual pet supplement products, including Cosequin and Dasuquin. **Bern** argued the appeal for Zesty Paws. The Latham team included partners **Steven Feldman** and **Matthew Walch**, as well as associates **Blake Stafford** and **Peter Prindiville**.