

An Early Batch of Litigator of the Week Shout Outs

By Ross Todd

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► Shout out to a team at **Latham & Watkins** that got an appellate win for Gap Inc. enforcing its Delaware forum-selection clause in a shareholder suit claiming the company overstated its commitment to diversity. In a 6-5 decision early this month, an en banc panel of the U.S. Court of Appeals for the Ninth Circuit found the company can enforce its bylaw requiring shareholder derivative litigation to be filed in Delaware Chancery Court, even though the move effectively blocks Exchange Act claims that can only be heard in federal court. The decision explicitly split with a Seventh Circuit panel, which went the opposite way in a case involving Boeing. The Latham team was led by partners **Beth Deeley**, **BJ Trach** and **Roman Martinez**, who argued both before the initial three-judge panel and the later 11-judge en banc panel at the Ninth Circuit. The team also included partners **Susan Engel** and **Stephen Barry** and associates **Morgan Whitworth**, **Michael Clemente**, **Daniel Gherardi**, **Brittany Davis** and **Jordan Goldberg**.