

## PLAINTIFFS' HOT LIST

A SPECIAL REPORT



The NLJ shines a spotlight on 12 firms that scored big recoveries for plaintiffs in 2015 and early 2016. These firms tapped their deep benches for high-stakes litigation battles in courts across the country. They fought for whistleblowers, consumers, institutional investors and college athletes—among many other clients—in multimillion-dollar suits. In one case, litigators convinced a judge to open up a song to the world that probably sounds familiar—“Happy Birthday to You.” These are their stories.

## Wolf Haldenstein Adler Freeman & Herz

“Happy Birthday to You,” dubbed the world’s most popular song, now belongs to the world thanks, in part, to lawyers at Wolf Haldenstein Adler Freeman & Herz.

Partner Mark Rifkin, along with solo practitioner Randall Newman, successfully represented filmmakers in a closely watched class action against the music publishing arm of Warner Music Group Corp., which claimed to own the copyright to the song and had charged for its public use since 1988. A federal judge in California ruled in September that the company does not own the Happy Birthday copyright, and the parties reached a settlement in December that includes \$14 million for those who have paid to use the song.

Piecing together the ownership of a song written by two Kentucky kindergarten teachers in 1893 was no small task. Rifkin and his team tracked down evidence at the Library of Congress; the U.S. Copyright Office; courthouses where earlier Happy Birthday suits were filed; and

even the Louisville-based Filson Historical Society. “It was the enormous amount of historical detective work that led us to the point where we could say, ‘We know everything there is to know about this song,’” Rifkin said.

Documentary filmmaker and plaintiff Jenn Nelson said the Wolf Haldenstein team was tireless in their pursuit of the case. “When you’re embarking on litigation, there are so many unknowns,” Nelson said. “They really made me feel like they knew what they were doing.”

In 2015, the firm helped a client whose home had been damaged by Hurricane Sandy secure a \$1.875 million jury verdict against her insurance company. It scored another victory in June when the U.S. Court of Appeals for the Ninth Circuit revived an antitrust case brought by iPhone users against Apple Inc., stemming from its exclusive provider relationship with AT&T Mobility LLC. —KAREN SLOAN



MARK RIFKIN

### FIRM FACTS:

- **Founded:** 1888
- **Based:** New York
- **Total number of attorneys:** 37
- **Partners:** 22
- **Associates:** 8

### TRIAL TIPS:

- Never be afraid to pursue a case you truly believe in, no matter how high the stakes and no matter how long the odds.
- Be as thoroughly prepared as you possibly can be. Don’t leave anything to chance when you take on a case—particularly a case of the magnitude of [the Happy Birthday case.]
- In a courtroom, remember to use your ears more than your mouth. You can learn more than you think if you listen carefully to judges, witnesses, even opposing counsel. —MARK RIFKIN