



## **Kenneth S. Geller**

Partner

**Washington D.C.**

**T:** 202.263.3225 / 312.701.8582

**F:** 202.263.3300

kgeller@mayerbrown.com

Kenneth Geller is recognized by *Chambers USA*, *Benchmark*, *Legal 500 USA*, and other industry publications as one of the country's leading Supreme Court and appellate lawyers. As the 2014 edition of *Chambers USA* reports, Ken's peers in the appellate bar regard him "as a 'top-rate appellate lawyer.'" A former Deputy Solicitor General, Ken has argued 42 cases in the Supreme Court and many other cases in the federal and state appellate courts. Ken is a co-author of the leading treatise on Supreme Court practice—aptly named *Supreme Court Practice*. He also is co-author of the chapter on Supreme Court practice in the ABA's multi-volume treatise *Business and Commercial Litigation in Federal Courts* and is co-author of the chapter on seeking and opposing Supreme Court review in Mayer Brown's treatise *Federal Appellate Practice*. Ken's areas of expertise include federal preemption of state law, constitutional law, administrative law, and statutory interpretation.

### **SELECTED EXPERIENCE**

#### **AT&T Mobility LLC v. Concepcion (U.S. Supreme Court)**

AT&T Mobility's customer agreements require disputes to be resolved on an individual basis in arbitration.

#### **Bell Atlantic Corp. v. Twombly (U.S. Supreme Court)**

Subscribers to local phone and internet services brought a class action against several telecommunications companies, alleging a conspiracy to end competition among themselves and to exclude potential competitors.

#### **BMW of North America, Inc. v. Gore (U.S. Supreme Court)**

The U.S. Supreme Court agreed with our argument that the punitive damages award in the case was grossly excessive, establishing the legal framework that has been foundational in punitive damages cases ever since.

#### **Boeing Co. v. United States (U.S. Supreme Court)**

The Internal Revenue Code provides for special tax treatment of export sales made by an American manufacturer through a qualifying subsidiary.

#### **Bryant v. Medtronic, Inc. (Eighth Circuit)**

In the first significant appellate medical-device preemption decision after the Supreme Court's decision in *Riegel*, we secured a total victory, dismissing all claims in a multi-district litigation.

#### **Buckman Co. v. Plaintiffs' Legal Comm. (U.S. Supreme Court)**

Plaintiffs sought damages from our client for alleged misstatements made to the FDA in seeking its approval of a medical device.

#### **Credit Suisse Sec. LLC v. Billing (U.S. Supreme Court)**

This case arose from antitrust claims asserted against several leading underwriters and mutual fund families. The plaintiffs challenged alleged conduct regarding the underwriting of initial public offerings during the "Internet bubble" in the late 1990s.

#### **Hartford Fire Insurance Co. v. California (U.S. Supreme Court)**

Under the McCarran-Ferguson Act, insurance companies are generally exempt from federal regulation—including the federal antitrust laws—except "to the extent that such business is not regulated by State Law."

#### **In re Volkswagen & Audi Warranty Extension Litigation (First Circuit)**

This appeal arose out of an award of attorneys' fees in a settled class action. The total benefits paid to the class under the settlement totaled approximately \$40 million.

#### **Philip Morris USA v. Williams (U.S. Supreme Court)**

The Supreme Court granted our petition for certiorari and held that under the U.S. Constitution, state courts may not permit juries in individual cases to punish defendants for harms suffered by non-parties even where those harms arose from conduct similar to the conduct that injured the plaintiff.

#### **Priester v. Ford Motor Co. (South Carolina)**

Plaintiff brought a products liability action against Ford Motor Company, alleging that one of Ford's pick-up trucks was defectively designed because it utilized tempered, rather than laminated, glass in the vehicle side windows.

#### **Republic of the Philippines v. Pimentel (U.S. Supreme Court)**

Our client, the Philippine government, sought dismissal of a suit claiming a right to approximately \$35 million in assets that Ferdinand Marcos allegedly stole from the Philippines during his time as the country's president.

#### **Udac v. Takata, Corp. (Hawaii Court of Appeals)**

We obtained a new trial on liability and JMOL on punitive damages following a \$17 million verdict based on alleged defects in a seatbelt buckle that resulted in the plaintiff's paralyzation.