

# Daily Journal

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## TOP BOUTIQUES 2023



FROM LEFT: Justin Goodwin, Michael Davis, Megan O'Neill, Lauren Hudecki and William Delgado

### DTO LAW

LOS ANGELES & SILICON VALLEY • COMPLEX COMMERCIAL LITIGATION, CLASS ACTION DEFENSE, TRANSACTIONS AND WHITE COLLAR DEFENSE

**M**anaging Partner William Delgado says the law firm he founded with Megan O'Neill and Marcos Tarango in May 2019 is a boutique comprising "highly intelligent, highly qualified attorneys who also happen to be ... just very cool people."

By now, the firm is home to 20 such people, and it has three offices, including one opened last year in Manhattan. "We quadrupled in size in the last four years, but we're not done," he said.

O'Neill chairs a litigation department comprised of 16 litigators, while Tarango chairs a transactions department comprised of four attorneys handling large transactions, especially involving commercial real estate and financing.

"We've closed over a hundred transactions in over 25 states in the past year ... on the order of multiple billions

of dollars," Tarango said. One large transaction involved helping a client secure more than \$250 million in financing for seven properties in seven states. He and his colleagues are also working on "a \$500 million piece of a larger syndicated transaction."

They also represent smaller companies. "One neat thing we're doing is we're helping a startup company bring a new electric vehicle into the United States," Tarango said.

In addition to real estate and finance deals, the firm's transactions team has been working with three Fortune 500 companies to redraft the companies' sets of standard contracts. "It's been to either help them with some new strategic vision that their legal department has or ... to reduce the risk for liability," he said.

The firm's litigation work largely involves

general commercial litigation, IP litigation and class actions, according to Delgado. A newer area, white-collar defense, began with the hiring of former federal prosecutor Alison Kehner in the New York office in July last year.

Kehner is one of the attorneys defending a cryptocurrency company that the SEC accuses of selling unregistered securities. "This whole idea of whether coins are even a security is very novel," Delgado said. *SEC v. Crowd Machine Inc.*, 5:22-cv-00076 (N.D. Cal., filed Jan. 6, 2022).

Recently, DTO litigators soundly defeated a putative class action against Costco and a snack-food company that accused the snacks of being falsely advertised as "keto-friendly" because they contain sugars and carbs incompatible with a keto diet. *Walcoff v. Innofoods USA Inc.*, 3:22-cv-01485 (S.D. Cal., filed Sept. 30, 2022).

“We have a specialty in false advertising class action defense,” O’Neill said.

They also handle a number of class actions involving tech and automobiles. Frequent clients include American Honda and printer maker HP Inc.

One technique they use often is to whittle down the size or number of class claims, O’Neill said. For instance, Delgado trimmed a nationwide class action against Honda over allegedly faulty VTC actuators to two very small classes.

After a trial in August, a jury ruled for the company regarding a California class, but against it on an Illinois class. The parties are still in the midst of post-trial briefing. *Quackenbush, et al. v. American Honda*, 3:20-05599 (N.D. Cal., filed Aug. 12, 2020).

Similarly, in a class action against HP over printers, O’Neill and her team “eliminated 97% of the printers at issue in the case.” The much-reduced case is now in discovery. *So v. HP*, 5:22-cv-02327 (N.D. Cal., filed April 14, 2022).

And in a case about HP’s Instant Ink program, they cut down class claims asserted under all 50 states’ consumer protection laws to just New York’s. The case then settled in April. “Often, if you’re able to get the case to be one-fiftieth of the size that it started out to be, the ROI for the plaintiff’s counsel is no longer there,” O’Neill said. *Barnert v. HP Inc.*, 5:21-cv-05199 (N.D. Cal., filed July 6, 2021).

— Don DeBenedictis