

2015's **TOP 100** Lawyers in California

LITIGATION

MARK HOLSCHER

KIRKLAND & ELLIS LLP | LOS ANGELES

COMPLEX COMMERCIAL DISPUTES AND WHITE COLLAR DEFENSE

In the past year, Holscher's caseload has not only been teeming, but also very diverse. From blockbuster mergers and acquisitions work to government litigation and more, he's seen full use of his skill as a sort of jack-of-all trades with a pedigree of excellence.

"It's exciting and it also keeps me on edge," Holscher said. He noted that his utility across specialties means that while some attorneys may know what their next year and a half looks like, he doesn't necessarily know what case he will be brought on to in the next six months.

In the past year, Holscher represented Bill Ackman's Pershing Square Capital Management in its attempt to acquire Allergan Inc., the maker of Botox, in concert with Valeant Pharmaceuticals International Inc. Allergan attempted to defend the unsolicited offer in part by employing a "poison pill" defense, which would have cost Pershing Square Capital its right to vote with its 9.7 percent share.

Holscher beat the attempt, maintaining the integrity of Pershing Square Capital's shares, leading to a \$2.7 billion investment return when Allergan strategically took a higher offer from a competitor.

Holscher recalled the high-pressure and breakneck speeds at which the Allergan



case moved, saying it was an interesting experience.

"It was what some might be doing over two years compressed into something like 70 days," he said.

Also in the past year, Holscher represented Macerich Real Estate in stopping a hostile takeover while employing the "poison

pill" defense. When Simon Property made a \$16.8 billion takeover bid, a Kirkland team led by Holscher responded by using a provision that would allow shareholders in Macerich to buy discounted shares, diluting the potential stake for Simon. Macerich retained control in the end.

The Raytheon Co., one of the world's leading defense contractors, has called on Holscher for multiple cases involving the government. The lawyer disputed charges by the U.S. government related to overhead costs incurred from 2004 to 2006, leading to an agreement to settle the government's claims and winning the company the right to negotiate further costs with the government.

Another Raytheon case came from Caltex Plastics, alleging that the company, as sole producer of packaging approved by the Department of Defense, was entitled to third-party benefits from its contracts with Raytheon. The case was eventually dismissed with prejudice, along with the accusations that Raytheon violated California's unfair business practices law.

The former federal prosecutor says he enjoys working with the government, in part due to the lack of individual interests.

"They just want to find the best possible solution," he said.

>> Andy Serbe