



LAW360

2018 Rising Star

Ragan Naresh

Kirkland & Ellis LLP's Ragan Naresh has guided clients like Charter Communications Inc., Abbott Laboratories Inc. and Syngenta AG through class actions threatening significant liability while developing new law for future cases, earning him a spot as one of six class action attorneys under age 40 honored by *Law360* as Rising Stars.

Why he's a class action attorney:

In the first few years he was at Kirkland following his graduation from Georgetown University Law Center, Naresh found himself on a few class action cases.

It was the class action's extra step — the class certification process — that drew him in, he said.

"I think because there are more decision points, there are more opportunities," Naresh said. "It builds in some room to be a little more creative in how you're going to solve that problem."

Proudest moment as an attorney:

Naresh brought home one of his most significant wins this year with an appellate court ruling that stemmed from the creativity that he says defines his class action work. Taking the lead on a small team

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defending Charter Communications Inc. against Telephone Consumer Protection Act claims that the telecommunications company made unsolicited robo-dialer calls to people across the country, Naresh developed an unconventional strategy that paid off. After moving the timeline up with expedited discovery, he filed a motion for summary judgment before the class certification battle had been fought — and won.

The ruling was upheld by the Second Circuit in April 2017. Naresh's briefs examined the TCPA's safe harbor for telemarketers who can show they made calls in error despite

safeguards, which led the district court judge and the Second Circuit to develop the law around that limitation on liability, he said.

In another class action, Naresh put together briefs defending Abbott Laboratories against claims it falsely marketed its Ensure products as muscle-building. The Kirkland team moved to deny class certification before the proposed class had asked for it, an unusual tactic that kept the narrative in Abbott's control. In December, the Ninth Circuit upheld the district court's ruling on Abbott's motion to dismiss, according to court records.

“Don’t just sit there and wait and hope that the right thing is going to happen,” Naresh said of his attitude toward his cases. “Rather, go out and get it. Force the issue in the way that is most likely for you to prevail.”

The biggest case of his career, and what was challenging about it:

Naresh spent much of the last year working on the Kirkland team that represented Syngenta AG in the multidistrict litigation over allegations the company’s pest-resistant Viptera seed was to blame for China’s rejection of U.S. corn shipments in 2013. The sheer number of suits and the volume of work it took to keep on top of them was a first for Naresh, he said.

Naresh worked on the trial teams for bellwethers in both state and federal court, questioning witnesses, arguing key motions and managing the trial site on a daily basis, according to the firm. Syngenta reached a \$1.5 billion

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settlement of the vast majority of the cases in the MDL earlier this year. Between the MDL and a wave of suits filed in state courts, Syngenta was facing 3,500 suits, including more than 100 class actions, the firm said.

“We were dealing with hundreds of deadlines — 20, 30 in a single day — based on the pace at which cases were being filed,” Naresh said. “We had to craft a legal strategy that made sense on the laws and the circumstances of each of the various jurisdictions. [On] every level of it we had to be really creative and really organized and think ahead.”

What motivates him:

Naresh said his favorite part of his work is the combination of nerves and excitement that follow with a new case.

“It’s kind of like when you think back to when you were in school and you’re heading in for a new year,” he said. “You’re excited about it but there are a lot of unknowns, you don’t know what’s going to happen.”

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