

SULLIVAN & CROMWELL LLP

Lawyers



William B. Monahan

Partner

New York

T. +1-212-558-7375

F. +1-212-558-3588

monahanw@sullcrom.com

Bill Monahan is head of the Firm's Products Liability & Mass Torts Group and a partner in the Firm's Litigation Group. He focuses on "bet-the-company," products liability/mass tort, securities, shareholder/corporate governance, complex commercial, employment, ESG, and M&A litigation, as well as related governmental and internal investigations. For almost 20 years, Bill has represented prominent corporations and individuals in their most challenging cases, including at jury and bench trials, before arbitration panels, and on appeal in federal and state courts across the United States. His corporate clients have included prominent automotive, pharmaceutical, healthcare, telecom, financial services, and computer companies.

Bill is currently spearheading the defense of Koninklijke Philips N.V. and its affiliates in its litigation across the globe relating to the June 2021 recall of certain CPAP, Bi-Level PAP, and mechanical ventilator devices, including consumer class actions, personal injury lawsuits, and shareholder litigation, as well as related regulatory inquiries.

SELECTED REPRESENTATIONS

Products Liability & Mass Torts

- Representing in the United States, and managing the defense on a global scale of, **Koninklijke Philips N.V. and affiliates** in hundreds of consumer class actions and personal injury lawsuits, as well as shareholder litigation and regulatory inquiries, related to the June 2021 recall of certain CPAP, Bi-Level PAP, and mechanical ventilator devices. Two MDLs have been established in the Western District of Pennsylvania.
- Representing **Volkswagen** and **Stellantis/FCA US LLC** in numerous federal and state actions, including MDLs in San Francisco, as well as regulatory investigations, regarding allegations that certain of their diesel vehicles emitted nitrogen oxides in excess of the limits imposed by U.S. law. Litigation has included consumer class action litigation, opt-out litigation, securities

PRACTICES & CAPABILITIES

Litigation

Antitrust

Corporate Governance
Litigation

Criminal Defense &
Investigations

Crisis Management

Environmental Litigation

Environmental, Social and
Governance (ESG)

Financial Services
Investigations & Litigation

International Arbitration and
Global Dispute Resolution

Labor & Employment

Products Liability & Mass
Torts

Securities Litigation

Supreme Court and
Appellate

EDUCATION

2003, University of
Pennsylvania Law School,
J.D.

1999, Cornell University,
B.S.

BAR ADMISSIONS

New York

CLERKSHIPS

Magistrate Judge Gabriel W.
Gorenstein, United States
District Court, Southern

litigation, dealer litigation, and litigation with the Department of Justice, the Securities and Exchange Commission, the Federal Trade Commission, and various State Attorneys General.

- Represented **Volkswagen** in a three-week jury and bench trial in federal court in San Francisco. Following 11 days of trial, the jury rejected bellwether consumers' claims seeking millions of dollars in damages after opting out of the related consumer class action settlements.
- Represented **Volkswagen** and **Audi** in securing the dismissal on standing grounds—upheld on appeal—of a putative class action in the Northern District of California brought by individuals who both purchased and sold their diesel vehicles before news of the diesel emissions issues became public. Named *The Am Law Litigation Daily's* "Litigator of the Week."
- Represented **Volkswagen** in successfully opposing class certification, and then obtaining summary judgment, in a putative nationwide consumer class action alleging fraud in connection with Volkswagen's certified pre-owned vehicle program.
- Secured the dismissal of most claims against **FCA US LLC** at the pleading stage in two putative nationwide consumer class actions in the Eastern District of Michigan concerning (i) two alleged defects in model year 2013-2017 Ram 2500 and 3500 diesel trucks, and (ii) an alleged defect in the Exhaust Gas Recirculation coolers in model year 2014–2019 Ram 1500 diesel trucks.

Securities Litigation, Corporate Governance Litigation and Complex Commercial Disputes

- Representing **AT&T** in securing, at the pleading stage, the dismissal of two securities class actions in New York alleging violations of Section 10(b) of the Exchange Act and Sections 11 and 12 of the Securities Act of 1933 in connection with alleged misrepresentations regarding DIRECTV NOW, a video streaming product.
- Represented various **M&A contracting parties** in various post-closing disputes before independent accountants and arbitration panels, including purchase price adjustments.
- Represented **Philips Healthcare** in a contract action in California federal court alleging that Philips failed to adequately market a product pursuant to a license agreement.
- Represented **Fiat Chrysler Automobiles** and **Ferrari** in obtaining the voluntary dismissal—following an oral argument at which the court issued a tentative ruling dismissing all claims—of a securities action in the Northern District of California alleging misstatements in connection with Fiat Chrysler's 2016 spinoff of its remaining equity stake in Ferrari.
- Representing **Illinois Tool Works** as plaintiff in litigation in Delaware Superior Court alleging that the defendant private equity

firm fraudulently induced plaintiff into buying one of defendant's portfolio companies.

- Representing **various companies** in "Delaware-style" litigation, including shareholder derivative actions, M&A litigation, appraisal actions, and Section 220 "books and records" proceedings.
- Represented **Goldman Sachs** in FINRA arbitration and related state court action concerning alleged investor losses arising from an investment in a mortgage-related product, culminating in a favorable decision from a panel of three arbitrators.
- Represented **Fiat Chrysler Automobiles** in Delaware Chancery Court in a pricing dispute concerning the terms of a call option to purchase certain company membership units.
- Represented **CA Technologies** in connection with its defense of claims brought in the New York federal courts concerning a shareholder proxy contest and, separately, a motion to overturn a settlement of class action and derivative litigation on the grounds of fraud.
- Represented **Microsoft** in appeal in the Second Circuit Court of Appeals on plaintiffs' theory that defendants fraudulently induced plaintiffs to enter into an agreement assigning certain patent applications to Microsoft.
- Represented a **pharmaceutical company** in the District of Minnesota in litigation concerning the proper interpretation of a bond indenture.
- Represented **prominent former director of a Texas state savings bank** that failed during the 2008 financial crisis in class action litigation in the Texas federal courts.
- Represented a **computer software company** in the Delaware Supreme Court – in the first case ever certified by the SEC to the Delaware Supreme Court – concerning a proposed shareholder bylaw requiring the mandatory reimbursement of proxy solicitation expenses.

RANKINGS & RECOGNITION

- Advisory Board of the Perry Weitz Mass Tort Institute at Hofstra Law (2023)
- *Lawdragon* – recognized as one of the "500 Leading Litigators in America" (2023)
- AmLaw Litigation Daily – Shout out, "Litigator of the Week" (October 2021, January 21, 2022; January 28, 2022; December 2022)
- *AmLaw Litigation Daily* – Runner up, "Litigator of the Week" (March 2020, May 2020, July 2022)
- *AmLaw Litigation Daily* – "Litigator of the Week" (November 2020)
- *Law360* – Product Liability Editorial Advisory Board (2018, 2019)
- *Law360* – recognized as a "Rising Star" in Transportation (2017)
- *Benchmark Litigation* – named a Top Litigator Under 40 (2017,

2018) and to the 40 & Under Hot List (2016, 2017, 2018)

- *New York Super Lawyers* – recognized as a “Rising Star” in the areas of Securities, Business and Appellate Litigation (2013, 2014, 2015, 2016, 2017)
- *The Legal 500 United States* (2014, 2015, 2016, 2017, 2018)
- Sanctuary for Families – recipient of Above & Beyond Award for Excellence in Pro Bono Advocacy (2013)