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Rising Star: Labaton Keller's Brendan W. Sullivan

By **Daniel Connolly**

Law360 (July 26, 2024, 2:03 PM EDT) -- Brendan W. Sullivan has helped Labaton Keller Sucharow LLP notch big wins in securities cases, including a \$1 billion cash settlement from Dell, one of the largest ever in any state-level court, earning him a spot among the securities law practitioners under age 40 honored by **Law360 as Rising Stars**.





Brendan W. Sullivan

Labaton Keller

- **Age:** 39
- **Home base:** Hockessin, Delaware
- **Position:** Partner
- **Law school:** Georgetown University Law Center
- **First job after law school:** Associate at Morris Nichols Arsht & Tunnell

On why he became a securities attorney:

For Sullivan, Delaware isn't just a place to practice corporate law. He also has deep ties to the area.

He grew up in Bear, Delaware, near Wilmington. He told Law360 he didn't have any lawyers in his family — his father owned an auto body shop, and his mother was a stay-at-home mother and a schoolteacher. "People I looked up to were teachers, particularly English teachers," Sullivan told Law360. He went to the University of Delaware intending to become a teacher or professor. But the influence of a college friend and roommate led him in a different direction.

That friend, Zachary George, had lawyers in his family and was intent on becoming a lawyer, Sullivan recalled. "So he just started talking about it, and it was something that I kind of naturally gravitated toward, and seemed like the things that I was interested in and the things that I thought I was good at would translate."

He added: "And then I just started taking what I could at Delaware, like pre-law classes, and the topics interested me. I came to learn about the corporate law practice here in Delaware through that. And so that really kind of sparked my interest in it, and kind of set me on a path toward looking into law school and going that direction."

Sullivan went to law school at Georgetown University Law Center in Washington, D.C.

The friend likewise went to law school and became a criminal defense lawyer.

When Sullivan finished law school, he returned to Delaware and joined Morris Nichols Arsht & Tunnell LLP, which is headquartered in Wilmington.

He worked in the firm's governance defense department, defending corporations and their directors and officers in derivative and class actions. Later, he moved to the Delaware office of BigLaw firm Paul Weiss Rifkind Wharton & Garrison LLP, where he once again worked in corporate defense.

All told, he worked nearly 10 years in corporate defense. Then in 2022, he switched sides, joining Labaton Keller, where he works as a plaintiffs attorney, representing shareholders in securities lawsuits against companies and their leadership.

On the biggest case of his career:

Sullivan said the Dell case, *In re: Dell Technologies Inc. Class V Stockholders Litigation*, has been the biggest one of his career. "The case started, I think, two or three years before I joined [Labaton Keller]."

"And so I came on in January 2022. By that point, folks were kind of in the middle of depositions, or had finished depositions, and my real role in that case was kind of jumping in as we proceeded toward trial, and did expert work — one of those things you do [is] the back half of schedule and really trying to assist there. I was really involved with the mediation effort and also pretrial briefing, things of that nature."

The Delaware Chancery Court approved the billion-dollar settlement last year, and Vice Chancellor J. Travis Laster approved a record **\$266.7 million fee** award for stockholder class attorneys among the five firms that secured the settlement.

The deal headed off a trial on claims targeting Dell's effort to exchange Class V stock — created to finance much of Dell's \$67 billion acquisition of EMC Technologies in 2016 — for shares of Dell common stock.

One of the challenges of the case, Sullivan said, was the type of security the case dealt with: tracking stock, which Sullivan said is "a little bit different than a normal security where you have just Class A shares in a company."

"It was like a synthetic stock that was meant to track another stock, which introduced a lot of complexities into the case, made the expert work in that case particularly complex," he said. "And so even just wrapping your head around that, and understanding the ins and outs of all that was pretty

challenging."

The most interesting case he's worked on lately:

The Pattern Energy Group stockholders litigation, which received approval for **nine-figure settlement** in May, was the most recent interesting case for Sullivan, he said, which "kind of started before my time, or right around when I started."

The settlement, also one of the largest of its kind in the Delaware Chancery Court's history, ended the litigation that had alleged the renewable power venture's \$6.1 billion go-private sale in 2020 was beset by unfair conduct and conflicts.

By the time Sullivan joined the "fairly complex" case, some people who were familiar with it had left the firm, he said. So he had to "learn the record from the bottom up" in time to take depositions.

"There were different factions, three companies, involved in the merger, who were all kind of, in my opinion, looking out for their own interests," Sullivan said. "And it was a case where maybe the conflicts weren't really apparent, on the surface, but one where, if you took time to really dig in on the record and understand what was happening, documents that might have seemed kind of slightly interesting or innocuous were quite meaningful."

On what motivates him:

"In a way, all attorneys are competitive. I think I am a bit competitive. But I just want to be the best version of me that I can be, and I think part of that is looking around at other people," Sullivan said. "And I practice with people who I think are very good at what they do. I'm cognizant of that, and that motivates me to kind of up my game."

--As told to Daniel Connolly. Additional reporting by Jeff Montgomery and Leslie A. Pappas. Editing by Lakshna Mehta.

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2024 Rising Stars winners after reviewing nearly 1,200 submissions. Attorneys had to be under 40 as of April 30, 2024, to be eligible for this year's award. This interview has been edited and condensed.