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Meredith R. Dearborn

Paul, Weiss, Rifkind, Wharton
& Garrison LLP

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San Francisco

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Litigation

Meredith R. Dearborn handles anti-trust and other commercial litigation, primarily for tech companies. Many of those cases are quite complicated.

"And fascinating!" she said.

A win for Uber in early January is one example. Dearborn brought an Article 78 challenge against New York City's taxi commission to enjoin its first rate increase since 2012. The proposed change would have cost Uber as much as \$23 million per month, the company said. *Uber USA LLC v. New York City Taxi & Limousine Commission*, 160451/2022 (N.Y. Cnty. Sprm. Ct., filed Dec. 9, 2022).

Dearborn argued that the commission had locked in an inflationary rate increase based on a temporary spike in fuel prices. The commissioners failed to "follow the fundamental principles of the economics underpinning the indices they were relying on to make that change," she said. The judge ruled from the bench, finding the commission had not sufficiently justified its decision nor explained its reasoning properly.

"It was a great day for Uber," Dearborn said. She also has several pieces of litigation dealing with cryptocurrencies. She represents Ripple Labs and its founder in a dispute with the SEC about whether selling the company's XRP crypto amounts to an unregistered securities offering.

In other words, is a cryptocurrency a security or a currency and who can regulate it? "In many ways, this is sort of a bellwether case for the cryptocurrency industry," Dearborn said. *Securities and Exchange Commission v. Ripple Labs, Inc.*, 1:20-cv-10832 (S.D. N.Y., filed Dec. 23, 2020).

The SEC is relying on something known as the investment contract doctrine and on cases from the 1940s about orange groves

to argue that the answer varies from crypto to crypto. But the crypto companies contend that approach creates "a really difficult operating environment for participants in this industry," she said. A ruling on her client's motion for summary judgment is pending.

Dearborn is also representing crypto exchange Coinbase in three potential class actions alleging the company was negligent when it listed two stablecoins whose markets then collapsed. A stablecoin is a type of cryptocurrency whose value is pegged to a nation's "fiat" currency.

The plaintiffs complain that their purchase values didn't stay stable after all. Dearborn argues that's not the fault of Coinbase. "You can't sue the New York Stock Exchange if the value of the stock you buy goes up or down. That's just the operation of the marketplace."

Dearborn said she didn't know much about crypto before, but these cases gave her the opportunity to learn about them. She said she has been telling the firm's summer associates that being a tech lawyer is a great career just because they do get to learn about fascinating industries. "It really keeps you on your toes. It keeps you engaged."

She even has some cases dealing with artificial intelligence. And she is set to go to trial in October as part of a team defending the JetBlue-Spirit Airlines merger. "This is actually my first merger case," she said.

— John Roemer