

Rising Star: Covington's Megan Rodgers

By Alyssa Aquino

Law360 (June 30, 2023, 1:48 PM EDT) -- Covington & Burling LLP's Megan Rodgers helped guide McKesson Corp. into settling a blockbuster opioids case for less than 1% of the requested damages, and assisted Meta Platforms Inc. in fending off litigation from its moderators, earning her a spot among class action attorneys under age 40 honored as Law360 Rising Stars.

Why she's a mass torts attorney:

Rodgers settled on mass torts very quickly. Her first assignment at Covington, where she has been for nearly 12 years, was on the BP Deepwater Horizon litigation. That experience offered her "incredible" professional opportunities, and she unsurprisingly focused on the field.

"The cases just continued to be really interesting and provided me with the opportunity to grow as a lawyer," she said. "The people are a huge component as well."

The biggest case of her career:

Rodgers serves as trial counsel for McKesson in the sprawling litigation seeking to hold it liable for the opioid epidemic. The litigation, which involves thousands of lawsuits filed simultaneously, with many cases proceeding in parallel, is her biggest undertaking yet.

Rodgers said she started working on cases brought by states and municipalities, and has taken some of that work all the way to trial. She recently represented McKesson in the six-month bench trial brought by Washington state Attorney General Bob Ferguson.

The attorney general was one of the few to reject a \$21 billion nationwide settlement with opioid distributors in favor of suing McKesson, Cardinal Health Inc. and AmerisourceBergen Corp. — the three largest opioid distributors in the state — for a staggering \$95 billion in damages.

But after the evidence was collected, Ferguson ultimately settled for

2023



Megan Rodgers
Covington & Burling

Age: 38

Home base: Palo Alto, California

Position: Partner

Law school: University of Michigan Law School

First job after law school: Clerk for Senior Judge Dennis Michael Fisher for the U.S. Court of Appeals for the Third Circuit

\$518 million from all three companies, less than 1% of the money originally sought, Rodgers said.

She described the settlement discussions as "not easy," but declined to provide further details. Rodgers pointed out that the entire case itself was "hugely complex," not just in terms of the facts, but also the legal theories that were in play, particularly Ferguson's decision to bring his opioid case as a public nuisance case.

"It was just a novel legal theory, so there wasn't a tremendous amount of case law to draw upon or precedent in the state beforehand ... and of course, you have a large joint defense group, tons of publicity and a number of cases proceeding in parallel," Rodgers said.

One of the youngest members of the presenting trial team, Rodgers had taken depositions, argued directed verdict motions, and cross-examined fact witnesses.

"It was an honor to be there and be supported by my colleagues in the joint defense group, to cross-examine several fact witnesses in that case, and it was just one of the biggest opportunities I've had as an attorney," she said.

The most interesting case she's worked on:

Rodgers is also co-leading a team looking to nullify a \$100 million foreign judgment that Kuwaiti conglomerate Alghanim Sons Group had secured against U.S. contractor IAP Worldwide Services Inc.

The case centers on the integrity of the Kuwaiti proceedings that resulted in the judgment. It is as much about the political situation in the Gulf state as it is about its legal system, Rodgers said.

"[It] could be in a book," she said. "It was fascinating researching and putting on witnesses to ... talk about due process in Kuwait."

Rodgers, according to Covington, conducted several key direct examinations and led overall trial strategy. The case is ongoing.

Other cases she's working on:

Recently, Rodgers also helped lead Meta's defense against lawsuits from former content moderators alleging they developed post-traumatic stress syndrome after viewing thousands of graphic images.

The suit, filed in California state court, was settled for \$52 million, while Rodgers' team helped win dismissal of a similar case in Florida federal court.

Based in Palo Alto, Rodgers has many friends who work at Facebook and acknowledges the importance of content moderation. But the class action was atypical, she said, stating that issues of mental health are usually individualized.

"It was interesting [the case] was brought on this posture," she said. "That's how we were able to move for judgment on the pleadings and that prompted the settlement that we ended up reaching with the plaintiffs' counsel."

Rodgers is keeping busy defending Genentech against class action claims that it underfilled vials carrying its breast cancer medication Herceptin.

Normally class actions are brought by individual consumers, but this one was brought by cancer hospitals and centers, she said.

How she thinks the practice will change over the next 10 years:

Recently, Rodgers said, she's been seeing a lot of class actions being brought in the product liability space. Within that growing intersection of cases, she is seeing more public nuisance claims and is able to draw on her experience litigating public nuisance opioid cases to handle that.

Rodgers is also seeing more class actions seeking economic damages on personal injury-type claims.

"For those cases, we consider early-stage legal issues like standing challenges and preemption, and we also take a close look at moving to strike class allegations," she said.

--As told to Alyssa Aquino. Editing by Adam LoBelia.

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2023 Rising Stars winners after reviewing more than 1,350 submissions. Attorneys had to be under 40 as of May 1, 2023, to be eligible for this year's award. This interview has been edited and condensed.