

## Titan Of The Plaintiffs Bar: Keller Rohrbach's Lynn Sarko

By **Madeline Lyskawa**

*Law360 (April 28, 2023, 2:02 PM EDT)* -- Although one of the most influential plaintiffs attorneys at the moment, Lynn Lincoln Sarko, the managing partner of Seattle-based Keller Rohrbach LLP, came from humble origins, growing up in Marengo, Illinois, a once 2,000-person farm town that Sarko joked didn't nab its first stoplight until after he left.

Despite its size, however, the Illinois city spit out two legal behemoths: David Boies of Boies Schiller Flexner LLP and Sarko. Sarko said the attorneys discovered their shared origin while working together on the sprawling Volkswagen AG multidistrict litigation, which saw the company accused of overstating the fuel economy of certain vehicles and culminated with a \$14.7 billion settlement that nabbed final approval in October 2016.

"We were talking about where we were from, and low and behold, we had both grown up in the same no-stoplight town," Sarko said.

Sarko told Law360 that growing up in his small Illinois town had a major impact on his legal approach and aims today. Sarko compared large legal cases to trying to get a 2,000-pound bull to move where you want him to, saying you can either figure out how to understand it or try to persuade it.

"In a lot of these large legal cases, it's the same thing," Sarko said.

Having been at the helm of Keller Rohrbach for more than 30 years, Sarko said, practically speaking, many of the big cases he takes on against large corporations really are "David versus Goliath," rendering it impossible to match the other side "soldier-by-soldier."

"We either have to get to the finish line and win the case, or we have to — and this is sort of a specialty of mine — try to explore if there is a path for resolution," Sarko said.

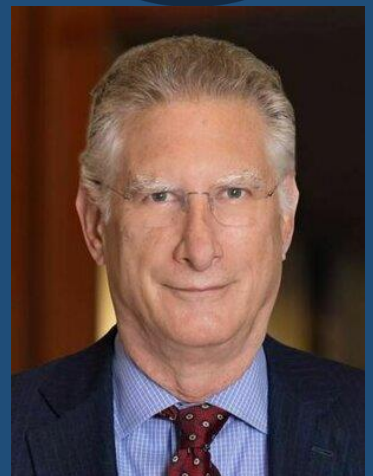
As a result, Sarko said he often gets brought into cases now as settlement counsel.

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**Lynn Sarko**  
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Some of the highly consequential settlements that Sarko has played a leading role in securing recently have included the massive \$698 million deal against Monsanto Co. in December regarding polychlorinated biphenyls, or PCBs, and marked the largest environmental settlement in Oregon history, and a \$264 million settlement against Mylan N.V. over EpiPen pricing in February 2022, landing him on the list of Law360's 2023 Titans of the Plaintiffs Bar.

Aside from the two aforementioned cases, Sarko also led the effort to secure a \$230 million settlement on behalf of Santa Barbara-area fishers and property owners against Plains All American Pipeline, which stemmed from the massive Refugio State Beach oil spill in May 2015 that disrupted the local fishing industry and affected a number of residential beachfront property owners. The deal received final approval in September.

Also in December, Sarko acted as one of the chief negotiators in reaching a \$725 million deal with Facebook on behalf of users, concerning the company's data practices. The deal marked the largest settlement ever of a privacy class action in the United States and the most Facebook has ever paid to resolve a class action.

One of the largest deals Sarko has been involved with over the past year, however, stemmed from his appointment to serve as a member of the Plaintiffs' Executive Committee in multidistrict litigation tied to the opioid epidemic. Namely, Sarko played a part in securing a \$26 billion collective settlement agreement involving Johnson & Johnson, Cardinal Health Inc., McKesson Corp. and AmerisourceBergen Corp., resolving claims they helped fuel the crisis.

"Even though we are a country that is somewhat split ... That was a case where we actually got everyone to come to agree on how to resolve it," Sarko said. "It involved talking to city councils, county commissioners, all across the nation. That was a monumental task to organize."

Reflecting on his wide array of settled cases, Sarko said he likes to say that the whole U.S. legal system is set up for people to be able to voluntarily settle cases. It's only when you have stubborn clients, stubborn lawyers or impossible facts that a case has to go all the way to a jury verdict.

In many cases now, Sarko said he has settled cases while the lawyers for the defendants had no idea settlement negotiations were going on, given that he met with the defendant company's general counsel or had secret settlement discussions to get to a place of resolution.

Judge Gerald Rosen, who met Sarko nearly 20 years ago, told Law360 that what immediately set Sarko apart from other attorneys was his extreme level of preparedness, as well as his articulate and thoughtful character.

"I found him to be a lawyer I could rely on," Rosen said, who previously served as chief judge for the Eastern District of Michigan before joining JAMS as a mediator in 2017.

As they got to know each other, Rosen said, Sarko was a pleasure to work with, noting that judges can always depend on Sarko to think ahead and foresee problems.

"He has an ability to understand the other side's position and not just be reactive, but to problem-solve around those issues, but without in any way compromising his advocacy for his clients," Rosen said.

Sarko said that a lot of what motivated him to take on such daunting challenges against major

companies like Mylan, Monsanto and Volkswagen had to do with where he came from and seeing how unfair it seemed to be that wealthy individuals had such an advantage.

"It reminds me of when I was trying the Exxon Valdez case, Exxon viewed itself, in my view, as more powerful and more important than the state of Alaska. They viewed themselves as more powerful than many countries," Sarko said.

The Exxon case arose from a 1989 oil spill that was initiated after Exxon's Valdez oil tanker ran aground in Alaska and split 11 million gallons of oil, according to the National Oceanic and Atmospheric Administration. In that case, Sarko acted as both trial counsel and was appointed by the court to serve as the administrator of the resulting claims program.

In another case, Sarko also said he voluntarily represented the Marshall Islands before the International Court of Justice in litigation against the United States alleging the nuclear power breached the Treaty on the Non-Proliferation of Nuclear Weapons by violating its obligation to pursue negotiations relating to the cessation of the nuclear arms race. Although the case was eventually dismissed, Sarko said he was especially proud of having represented such an emblematic "David versus Goliath" challenge, and the firm was nominated for the 2016 Nobel Peace Prize.

Reflecting on his leadership of Keller Rohrback over the past 30 years, during which time the firm has grown from one to seven offices across the country, Sarko said he's regularly tried to give opportunities and trial experience to younger lawyers, instill a firm culture of collaboration and impart in his attorneys a sense of ownership over the firm and its future, saying "when I leave, it's yours."

"That's part of the legacy, to build a firm that we will be proud of [and] try to change the world," Sarko said.

--Editing by Nicole Bleier.