

Winning Litigators: Tom Clare & Libby Locke, Clare Locke

By ALM Staff

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Clare Locke

Tell us about your biggest trial win from January 2018 through June 2019 and how you achieved the result for your client.

In March, we won a \$22.35 million defamation judgment after a five-day trial in *Eshelman v. Puma Biotechnology*. Together, we convinced a federal jury that Puma, a publicly traded company, had intentionally lied to investors about our client, Dr. Fred Eshelman, in retaliation for starting a contentious proxy fight. After a day and a half of deliberations, the jury concluded Puma acted with constitutional "actual malice," awarding \$15.85 million in compensatory damages and \$6.5 million in punitive damages, which Puma's lawyers described as "more than 10 times the size of any other damages award for defamation in any case in recent Fourth Circuit or North Carolina history."

Share two trial tips that have been key to your success.

- 1) Killer cross-examinations hinge on rock-solid video impeachment. Nothing is more powerful to jurors than watching video of the witness giving different answers while he sits live on the stand.
- 2) Real sleep is essential! No matter how many months have gone into trial prep, even the most prepared lawyer will fumble without a sharp mind.

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