



## Representative Litigation Engagements

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The firm's capabilities are best exemplified by the array of clients that seek our sophisticated legal advice. The firm's attorneys have represented clients in a wide variety of disputes ranging from the routine to the complex, including commercial and contract disputes; employment claims; trade secret, misappropriation of intellectual property and confidential information, non-compete, domain-squatting, copyright and trademark claims; executive claims; stockholder claims; disputes over equity; business divorces; injunctive and equitable relief disputes; conflict of interest and breach of fiduciary duty disputes; indemnity claims; secured claims; real estate and construction claims; foreclosure, zoning and nuisance disputes; and collection claims.

Our attorneys counsel clients in litigation and pre-litigation disputes in industries including services, manufacturing, distribution, finance, investment, IT, software, licensing, telecommunications, internet and e-commerce, medical technologies, insurance, media & advertising, real estate and others. Our experience in complex areas of law and settlement transaction structures is applied in many of the disputes we handle. Our attorneys understand the differing needs of claimants and respondents, and plaintiffs and defendants, and the importance of practical business evaluation of the risks, merits and costs of a dispute, and apply that knowledge to maximize effectiveness in any litigation setting.

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The following are some representative litigation matters handled by attorneys of the firm:

### **eCommerce/Media**

- Prosecuted Internet marketing company's claims for defamation and economic interference claims against a self-styled spam watchdog group, obtaining an \$11.7 million judgment and permanent injunction. The judgment was upheld on appeal while issue of amount of damages remanded for trial (pending).
- Attorney(s) of the firm have prosecuted a major Internet service provider for defamation of clients finance business through the use and restyling of content provided by third party. Favorable creative settlement reached involving payment of damages and establishment of going-forward business relationship.
- Defended Internet marketer in two lawsuits involving alleged CAN SPAM and related state law violations. Both matters favorable settled early on in litigation after aggressive defense and dispositive motions.
- Defended defamation claim with underlying trademark issues involving ownership of similar trade names in same industry. Notwithstanding an extremely aggressive prosecution this matter was successfully settled for a small fraction of the amount claimed in lawsuit and requested during extensive mediation.
- Attorney(s) of the firm have successfully defended daily newspaper from defamation claims brought by former reporter after reporter was terminated for improper deviation from source confirmation policies. Matter was resolved by motion for summary judgment.

### **Technology & Intellectual Property**

- Successfully defended trademark infringement Lanham Act case on behalf of foreign corporation resulting in a settlement that was less than the amount owed on an outstanding contract.
- Successfully defended major mortgage finance company against claims for trade secret misappropriation, copyright infringement, and violations of the Computer Fraud and Abuse Act pertaining to process software. This case settled on terms favorable to client two weeks into the trial.
- Successfully prosecuted trade secret, software and copyright misappropriation claims against competitor of client, a software development company, resulting in the complete settlement of three cases in two states with a net recovery to the client.



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- Attorney(s) of the firm have represented major entertainers in copyright infringement lawsuits pertaining to unauthorized sampling of prior works. Matters were successfully resolved in clients' favor.
- Attorney(s) of the firm have represented a software developer as trial counsel with national law firm in patent infringement suit alleging infringement of code processes. Matter successfully settled.
- Attorney(s) of the firm have prosecuted a copyright infringement case on behalf of graphic artist against marketing firm using its images. The matter was settled favorably for client notwithstanding significant defenses advanced by marketing firm.

### Commercial Disputes

- Attorney(s) of the firm regularly prosecute a variety of contract breach, collection matters and transaction indemnity claims for numerous clients; we have won judgments in litigation and have also obtained favorable settlements without trial, in claims ranging from \$10,000 to \$2,000,000.
- Attorney(s) of the firm regularly represent corporate clients and their officers and directors in disputes involving claims and threats of litigation by disgruntled stockholders.
- Defended former officers of closely held company after resigning company to form competing firm. Matter was resolved by settlement during trial.
- Attorney(s) of the firm have defended minority shareholders in ownership dispute of closely held company. Matter successfully resolved by minority shareholders buying out majority interest holder as part of global settlement of claims and counterclaims.
- Attorney(s) of the firm have represented a major food franchisor on appeal from a \$3.7 million judgment rendered in bankruptcy court adversary proceeding alleging breach of territorial restrictions brought by other counsel, resulting in reversal of damage amount to \$70,000 and attorneys fees.
- Attorney(s) of the firm have defended a communications manufacturer in lawsuit brought by corporate fleet customer alleging fraud in the sale of non-performing software and hardware. Matter was resolved to client's satisfaction after extensive discovery resulted in reduced claims against it.

### Employment

- Attorney(s) of the firm regularly represent corporate clients in defense of claims by employees, including wage claims, harassment and discrimination claims, and other.
- Attorney(s) of the firm regularly represent executives in connection with claims involving severance, equity compensation, discrimination, and restrictive covenants.
- Won federal jury trial for privately held minority owned financial services company in action brought for reverse discrimination by former employee. Jury returned favorable verdict in minutes and matter was upheld through appellate proceedings.
- Representation of Fortune 500 Company in restricted covenant matters and employee piracy case, resulting in obtaining a preliminary injunction against offending former employee and recoupment of client's trade secrets and confidential information.
- Representation of commodity broker who was wrongfully terminated by major Fortune 50 Corporation and replaced with male employee, (Case pending.)
- Successfully prosecuted sexual discrimination and FMLA claims against company discharging female employee upon return from maternity leave and replacing her with male employee. Claims also included Equal Pay Act violations. This matter was settled successfully after EEOC finding of discrimination.
- Attorney(s) of the firm have defended closely held business and its officer and directors in wrongful termination suit brought by company president. Matter successfully resolved by minimal settlement payment after successful motions to dismiss.
- Attorney(s) of the firm have defended private college in lawsuit brought by administrator alleging age and racial discrimination. Matter was successfully resolved by summary judgment.



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### **Injunctive Relief**

- Successfully defended client engaging in new business venture faced with injunctive relief action involving allegations of trade secret misappropriation and seeking to prohibit client from competing in the industry.
- Represented plaintiff and counter-defendant client in the digital music industry in prosecution and defense of several injunctive relief actions in case analogous to whistleblower in context of antitrust violations, and involving anti-competitive conduct, breach of fiduciary duties by director, and breach of agreement by supplier controlled by an interested director, resulting in settlement of the action. U.S. Department of Justice ultimately sanctioned the other parties.
- Successfully defended injunctive relief action seeking to thwart client's purchase of real property.
- Obtained injunctive relief for Internet marketing company against self-styled watchdog group which relief facilitated continuation of client's business.

### **Securities/Fraud**

- Attorney(s) of the firm have prosecuted investor fraud case resulting in \$5.5 million judgment against broker, investment advisor, and brokerage firm.
- Attorney(s) of the firm have prosecuted federal securities fraud case involving 15-year conspiracy by major brokerage houses resulting in recoupment of lost investments.
- Attorney(s) of the firm have successfully prosecuted fraud case on behalf of hospital against a major vendor resulting in jury verdict for full amount sought from the jury and punitive damages in excess of those sought as well as defense of counterclaims for less than amount sought by Defendant.

### **Pro Bono**

- Attorney(s) of the firm have successfully prosecuted hate crimes case brought by married interracial couple and their children against a professed member of the Aryan Brotherhood, resulting in the first case settled under California's Hate Crime statute, monetary damages for clients and a 10-year stay away order.
- Attorney(s) of the firm have successfully prosecuted landlord who demanded under the table payments from tenants who received Section 8 governmental subsidies or suffer eviction from substandard housing. Settlement required landlord to cease practices, improve property and cease evictions and other punitive actions.

Each client's needs are unique. For some, aggressive and effective litigation strategy is key. For others, control of exposure is crucial. Most often, a broad spectrum of concerns requires attention. However, no matter how diverse their legal needs, our clients turn to us for this common reason – detailed, creative and responsive consideration that translates into effective solutions at a fair cost.

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