

AREAS OF SPECIALTY EXPERTISE

Appellate
 Business Litigation and Dispute Resolution
 Insurance Coverage and Litigation
 Labor and Employment Litigation
 Real Estate Litigation
 Shareholder and Corporate Disputes
 Trusts and Estates Litigation

RELATED PROFESSIONALS

Arash Beral
 Michael Blumenfeld
 Carol Chow
 Penny M. Costa
 Dawn B. Eyerly
 Robert Ezra
 Joanne M. Frasca
 John P. Godsil
 Jeffrey S. Goodfried
 Curtis A. Graham
 Robert M. Heller
 Kelsey Hotchkiss
 Jeffrey M. Jensen
 Todd M. Lander
 Bradley D. Ross
 John D. Stanley
 Matthew A. Young

Litigation and Alternative Dispute Resolution

The Litigation Department represents a diverse clientele over a wide range of industries. Our clients range from Fortune 500, national, and international companies to local small businesses, partnerships, joint ventures, real estate investment and other trusts, and individuals. We represent those clients in all aspects of litigation and dispute resolution in trial and appellate courts throughout the country at the state and federal level, as well as arbitral forums such as JAMS, AAA, FINRA and the SEC. That representation spans a broad cross-section of litigation matters, including: Business, Real Estate, Construction, Insurance Coverage Disputes, Tax, Employment, Financial Services, Securities and Regulatory Law; and Intellectual Property, Entertainment and New Media, including Copyright, Trademark, and Patent Litigation Matters.

We have long maintained a cost-effective, results-oriented philosophy. We provide efficient and pragmatic representation focusing on attention to detail, personal service and, most importantly, identifying our clients' objectives and directing our efforts to achieving them on a cost-effective basis. That accountability based approach – which demands the ongoing re-evaluation of the client's best interests in every case and at each level of litigation – has served us well over the years. Simply put, our principal barometer of success is the satisfaction of achieving our clients' litigation goals in a cost-effective manner.

Specific examples of the matters we routinely handle include:

- Antitrust
- Banking law and lender liability actions, including large collection actions, involving writs of attachment, injunctions, restraining orders and other provisional remedies
- Breach of contract disputes
- Business torts
- Defamation and trade disparagement
- Entertainment industry disputes, including producer/talent disputes and licensing disputes
- Insurance coverage and bad faith litigation
- Intellectual property disputes, including claims of patent, trademark, trade dress, and copyright infringement
- Employment disputes, including wage and hour, discrimination, retaliation, harassment, wrongful termination, as well as the defense and prosecution of employment disputes arising in the securities industry and the representation of securities professionals in proceedings initiated by regulatory enforcement agencies.
- Real estate litigation, including landlord-tenant disputes, breach of real estate agreements, title dispute matters, foreclosure, and quiet title, among others
- Securities controversies
- Tax controversies, including income tax claims and property tax assessment appeals
- Trade secret litigation
- Unfair competition and false advertising
- Unfair trade practices

REPRESENTATIVE CLIENTS & MATTERS

- Won summary judgment and successfully represented Fortune 500 client in meal and rest break class action litigated before the California Supreme Court.
- Represented casino in defeating certification of class action involving thousands of class members. Developed unique defense strategy that was later adopted by other casinos.
- Successfully defended national retail store operator in wage and hour class action litigation.
- Represented national law firm in obtaining summary judgment on significant employment discrimination claims.
- Successfully defended Fortune 500 client in \$30+ million software patent infringement claim.
- Represented nationally known franchisor in defeating action brought by a majority of the franchisees in a "bet-the-company" case seeking dissolution of the franchise agreements.
- Created and coordinated the implementation of numerous reductions in force and plant closings for national companies.
- Obtained highly favorable settlement for a nationally known retailer following the destruction of its corporate headquarters due to construction defects.
- Obtained restitution in NASD securities fraud action on behalf of internationally renowned actors.
- Successfully represented marina operator in development dispute and environmental contamination action involving the Sacramento Delta.
- Obtained \$10+ million judgment on behalf of a bank in connection with loan dispute.
- Lead counsel in multiple complex coverage/bad faith cases for U.S., London, European and Asian insurance markets.
- Defended multiple wrongful death and personal injury claims arising from casualties during construction and transportation accidents.
- Obtaining a favorable arbitration award that adopted a valuation of shares required to be repurchased by our client under shareholder's agreement that was millions less than the price sought by the opposing party, which was affirmed by the trial court.
- Successful defense of over \$40 million in claims for breach of an alleged partnership agreement, fraud and breach of fiduciary duty against a large Southern California homebuilder in a multi-state litigation, including a six week jury trial, two state court appeals, a Ninth Circuit appeal, an Idaho state court action and appeal to the Idaho Supreme Court.
- Representation of minority shareholders in home healthcare franchising companies in various state court litigation involving breach of fiduciary duty, breach of a shareholders' agreement, fraud and other tort claims, including successfully prosecuting charges for violation of court orders freezing millions of corporate funds, resulting in a civil contempt judgment that included a jail sentence.
- Following a 10-day JAMS arbitration, defeated a \$32,000,000 claim brought against a client, secured a monetary award of nearly \$800,000, and confirmed the client's ownership interest in an entity (which interest the opposing parties valued at \$3,000,000, and sought to strip from the client in the arbitration). The award was subsequently confirmed in full by the Superior Court.
- Successfully represented financial advisors in claims involving major Wall Street

securities firms and obtained millions of dollars in compensatory and, in some cases, large punitive damage awards on behalf of the clients.

- Successfully defended a highly publicized FINRA enforcement proceeding prosecuted against our financial advisor client, arising out of unfounded claims brought on behalf of a number of very high profile professional athletes against the client.
- Tried and defeated claims of breach of contract, breach of fiduciary duty and declaratory relief brought by plaintiffs who sought to both obtain control of the clients' intellectual property rights and secure a large monetary award.
- Obtained recovery of over \$450,000 plus all attorneys' fees incurred on behalf of a real estate investment firm that was defrauded during the purchase of a commercial property.
- Obtained recovery of over \$1,000,000 on behalf of an ice cream manufacturer in a breach of contract action arising from a dispute involving a distribution agreement.
- Defeated the most critical prong of a class certification motion which sought to certify a large group of salespersons in an action brought against a national furniture company.
- Secured a judgment of dismissal following a motion for terminating sanctions in a fraud action brought against a real estate agent and broker.
- Successful representation of a wine distributor in a series of lawsuits initiated in San Francisco and Napa that asserted claims of breach of contract, violation of the Lanham Act, unfair competition and fraud.
- Obtained summary judgment in favor of a savings and loan in an action brought by former borrowers who asserted a series of lender liability and fraud claims.
- Successful representation of a private equity group, which, after acquiring a champagne house in France, was sued in California for breach of an alleged nationwide exclusive distribution agreement.
- The defense of employment claims for harassment and discrimination brought by various employees against the firm's employer clients in Southern California.
- Handled major trademark related dispute concerning rights to a mark in the direct marketing industry. The dispute specifically involved competing applications for the same mark to the USPTO and, by extension, questions regarding the priority of use of the mark in connection with pre-sale activities by the user of a mark. The case was ultimately settled on very favorable terms for the client.
- Defended complex copyright infringement dispute involving previously un-decided issues concerning the Digital Millennium Copyright Act, and the extent to which a foreign-based copyright owner must establish appropriate chain of title, and whether, and under what circumstances, the foreign owner is entitled to the presumption of validity of its copyright.

PRESENTATIONS & PUBLICATIONS

- CBS vs Redstone Part II: The Rebellious Board Gains Support | FFS Insights | June 2018
- You Think You Have a Rebellious Board of Directors? | FFS Insights | May 2018
- Cashing Out: A "Fair" Remedy for a Dissenting Shareholder? | FFS Insights | April 2018
- The Price of Prosperity | FFS Insights | March 2018
- FINRA Proposes Expanded Customer Options in Disputes Against Inactive

Members and Persons | November 2017

- Have the Controlling Shareholders Breached Their Fiduciary Duties to the Minority in Transferring Control Shares? | FFS Insights | September 2017
- The Power of a Minority Shareholder | February 2017
- Delaware Supreme Court Sets the Stage for Direct Shareholder Lawsuits | December 2016
- Essential Information for Corporate Officers and Directors | October 2016
- Arash Beral Published in Daily Journal, "Will California Lawyers Embrace Federal Trade Secrets Law?" | January 2016
- "Principles for New Associates When Working with Law Firm Staff" | Los Angeles Lawyer | June 2015
- Featured Cover Story "Doubling Down" | Los Angeles Lawyer | April 2015
- Directors and Controlling Shareholders May Be Liable for Paying Themselves Excessive Compensation | January 2015
- "How to Handle a Trade Secrets Trial" | Association of Business Trial Lawyers of Orange County | November 2014
- Have Directors Improperly Refused to Declare a Dividend? | September 2014
- "Ruling Clarifies Mass Tort Jurisdictional Issue" | Los Angeles Daily Journal | August 2014
- Delaware Supreme Court Holds That Corporate Bylaws May Shift Attorney Fees | June 2014
- "Mediation: A Tale of Two Studies" | Apparel News | June 2014
- Under Certain Circumstances, a Derivative Plaintiff Can Be Barred From All Discovery | April 2014
- "Conflicts of Interest from a Risk Management and Ethics Viewpoint" | 2014 NSCP Regional Meeting | February 2014
- "Fashion Dispute Resolution Makes Legal Disputes a Win-Win Proposition" | Apparel News | February 2014
- "Basic Guide to Starting a Garment Business and Compliance" | January 2014
- "Early Neutral Evaluation" | Fashion Dispute Resolution | January 2014
- Do Shareholders of Closely Held Corporations Owe Each Other a Fiduciary Duty of Loyalty Including a Duty Not to Compete? | January 2014
- "Proper Use of Client Assets: Soft Dollars and Hard Money Payments" | 2013 NSCP National Meeting | August 2013
- Have Directors and Officers Engaged in Wrongful Self-Dealing With the Corporation? | August 2013
- "Personal Injury: Survive The Changing Court Environment" | Los Angeles Daily Journal | April 2013
- "How to Buy Prints Without Buying a Lawsuit" | Apparel News | September 2012
- Appraisal Institute Convention | August 2012
- How to Pursue Social Causes Without Risking Shareholder Litigation | August 2012
- Featured Cover Story "The Sham Loan Guaranty Defense" | BIG NEWS | May 2012
- Have a Corporation's Controlling Shareholders Manipulated the Corporation for Their Own Self-Interest? | May 2012
- The "Sham Guaranty" Defense | California Lawyer | April 2012

- Tax Preparers' Liability for Incurred Interest Charges | February 2012
- Have Your Shareholder Rights Been Abridged? | Los Angeles Daily Journal | January 2012
- The Sham Guaranty Defense for Partners, Trustees, Corporate Officers and Shareholders | June 2011
- The Sham Guaranty Defense and Litigation Strategy | January 2011
- 3-D Movies Fighting for Screen Time | October 2010
- Will Wall Street Executives Seek the Protection of the Fifth Amendment? | Los Angeles Lawyer | July 2010
- Business Pays for Court Delays | Los Angeles Business Journal | May 2010
- You're Exonerated: Exploring the "Sham Guaranty" Defense to Eliminate Liability Under a Guaranty | BIG NEWS | April 2010
- The Real Estate Market, California's Anti-Deficiency Laws and Sham Guaranty | January 2010
- "Adapting to Adaptive Reuse | Southern California Interdisciplinary Law Journal 703 | January 2009
- Is Your Partner Using the Recession to Hide Fraud? | August 2007
- When Seeking Pre-Trial Receivership for Solvent Companies Less May be More | June 2007
- Arbitration Enforced at Any Cost? Perhaps Not. | January 2007
- Are You Personally Liable for the Acts of Your Corporation? | November 2006
- An Arbitrator's Powers are Limited | June 2006
- How Final Are Arbitration Awards? | January 2006
- Avoiding Shareholder Litigation | January 2002