

former client Steven
connection with a legal
ce action.

FF'S CONTENTIONS:
lleged that defendant
ay him all fees defendant
l sued because of
contract. Plaintiff
defendant's legal-
s claim and argued he had
duty to read the agreement
ant. Plaintiff also
at his fees were already
ed and was reasonable.

DANT'S CONTENTIONS:
nt claimed he was entitled
ount because, as he had
ally blind since 1999,
should have read the fee
nt to him. Defendant
ed that he had already paid
id principal of \$27,753, but
o pay the late fees because
s were unfair and unjust.

ES: Paul requested
n unpaid attorney fees
e than \$21,000 in unpaid
ges, for a total of \$63,951.

RIAL: Length, seven days;
tion, two days.

MENT DISCUSSIONS:
anded \$55,000 in
nt, which Zwick countered
3,500 offer.

: The jury found Zwick in
f the contract for the full
price and awarded Paul
plus \$11,633 in costs, and
in attorney fees for a total
of \$229,084.

DATE: June 11, 2012.

CONTRACTS

BREACH OF CONTRACT

Fraud

DECISION: Defense.

NUMBER: Stephen Sallee
e Sallee, individually
behalf of all others
situated v. Dollar Thrifty
ive Group Inc. (dba Dollar
ar), Dollar Rent A Car
G Operations Inc. / 4:14-cv-
KF-PJC.

/DATE: USDC Oklahoma
20, 2015.

Hon. Gregory K. Frizzell.

RESULT: The court dismissed the
Sallees claims in their entirety.

FILING DATE: May 19, 2014.

EMPLOYMENT LAW

ADA

Disability Discrimination

SETTLEMENT: \$360,754.

CASE/NUMBER: Donald Calkin,
Gordon Clark, Silvia David,
Sally Foster, John Higgins, Janet
Lacampagne, Kenneth Sanchez,
Colleen Sullivan, Lee Sullivan v.
City and County of San Francisco /
3:12-cv-02584-JCS.

COURT/DATE: USDC Northern /
Feb. 3, 2015.

JUDGE: Hon. Joseph C. Spero.

ATTORNEYS: Plaintiff - Jocelyn
Burton (Burton Employment Law,
Oakland).

Defendant - Terence J. Howzell
(Office of the City Attorney, San
Francisco).

FACTS: Donald Calkin, Gordon
Clark, Silvia David, Sally Foster,
John Higgins, Janet Lacampagne,
Kenneth Sanchez, Colleen Sullivan,
and Lee Sullivan sued the City
and County of San Francisco,
alleging unlawful employment
discrimination based on disability
or perceived disability.

PLAINTIFFS' CONTENTIONS:
Plaintiffs alleged that they worked
for the city as police officers and/
or Sergeant. The city established
the Deferred Retirement Option
Program, or DROP, for certain
members of the San Francisco
Employees Retirement System
Police Plans. However, employees
otherwise eligible for DROP
were not permitted to participate
if they became disabled for the
period of disability. Plaintiffs
alleged that they were eligible for
DROP but were not permitted to
participate because of a disability
or perceived disability in violation
of the Americans with Disabilities
Act and Civil Rights Act under
Section 1983. Plaintiffs contended
that such conduct also constituted
discrimination in violation of
California laws.

DEFENDANT'S CONTENTIONS:
Defendant denied plaintiffs'

this time occupied no more than 10
percent of his time. He alleged that
he was not an "exempt employee"
under California law.

On January 25, 2010, Emerson
terminated MacLeod's
employment. MacLeod asserted
five causes of action including
failure to pay overtime, retaliation,
breach of implied-in-fact contract
of employment, defamation, and
intentional infliction of emotional
distress.

DEFENDANT'S CONTENTIONS:
Emerson denied MacLeod's
allegations and asserted various
affirmative defenses. It asserted a
counterclaim against MacLeod for
patent infringement.

RESULT: The jury returned
a verdict in MacLeod's favor,
awarding him \$101,565.52 in
unpaid overtime compensation. He
was also awarded \$8,750 in waiting
time penalties, and prejudgment
interest of \$49,090. His total award
was \$159,405.52. The jury also
found against Emerson on its
infringement claim.

OTHER INFORMATION:
Plaintiff's motion for attorney fees
is currently pending.

FILING DATE: Jan. 25, 2011.

EMPLOYMENT LAW

WRONGFUL TERMINATION

Retaliation

VERDICT: \$900,000.

CASE/NUMBER: Christopher
Cerbone v. Roman Catholic Bishop
of Sacramento, and Does 1 through
9, inclusive / 34-2013-00140297-CV-
WT-GDS.

COURT/DATE: Sacramento
Superior / March 12, 2015.

JUDGE: Hon. David W. Abbott.

ATTORNEYS: Plaintiff - Tyler F.
Clark (Clark Employment Law
APC, Encino); David A. Lowe, Erin
M. Pulaski (Rudy, Exelrod, Zieff &
Lowe LLP, San Francisco).

Defendant - James F. Sweeney,
Stephen J. Greene Jr., R.G.
Shannon (Sweeney, Greene &
Roberts LLP, Elk Grove); Thomas
A. Johnson (Law Office of Thomas
A. Johnson, Sacramento).

COURT/DATE: USDC Southern /
Oct. 30, 2014.

JUDGE: Hon. Marilyn L. Huff.

ATTORNEYS: Plaintiff - Frank
A. Angileri, Rebecca J. Cantor,
Thomas W. Cunningham, William
E. Thomson Jr., Roland J. Tong
(Brooks Kushman PC, Southfield,
Mich.).

Defendant - Brian C. Horne
(Knobbe, Martens, Olson &
Bear LLP, Los Angeles) for Grace
Medical, Preferred Medical
Products, Pulse Medical; Charlena
Thorpe (Law Office of Charlena
Thorpe, Duluth, Ga.).

FACTS: Rawcar Group LLC dba
CFI Medical Solutions filed an
infringement suit against Grace
Medical Inc., Pulse Medical Inc.,
Preferred Medical Products, and
A&B Medical Specialties LLC.

PLAINTIFF'S CONTENTIONS:
Plaintiff, which developed,
manufactured and sold medical
products, accused defendants
of infringing on its patent rights
related to patents entitled "Sterile
Radiological Drape" and "Sterile
Radiological Imaging Unit
Drape and Method Providing a
Sterile Surface Therewith." It
also sold and owned trademark
and copyright rights to, a sterile
equipment called the "C-ARMOR,"
which covered the subject patents.

Plaintiff alleged that defendants
sold, used, or otherwise made
available, a product called "C-
SHIELD," which incorporated
the subject patents. Plaintiff
informed defendants that they
were infringing on plaintiff's
patents, but defendants continued
to manufacture and market the
infringing product.

Plaintiff sued defendants for
patent infringement, trademark
infringement, copyright
infringement, unfair competition
and false advertising under
California state law, and injury
to business reputation under the
common law.

DEFENDANTS' CONTENTIONS:
Defendants denied the allegations
and asserted various affirmative
defenses. Defendants filed
counterclaims for a declaration
of non-infringement of the

DEFENDANT'S
Apple alleged that
of the patents we

RESULT: The ju
willfully infringed
Smartflash's pate
\$532,900,000.

OTHER DOCKETS
13-cv-00448, 6:14-
00145, 6:14-cv-00

FILING DATE: M

INTELL PRO

PATENT IN Unfair C

VERDICT: Defen

CASE/NUMBER:
Ground Informa
Life360 Inc. / 9:1

COURT/DATE:
March 16, 2015.

JUDGE: Hon. D
Middlebrooks.

ATTORNEYS: P
Diamond, Ury F
Fischer PL, Cora
Matthew C. Ber
Hannemann, Th
Rose C. Prey, Ge
Corey J. Betker,
Carcatera, Vinc
Anne E. Li (Ken
New York, N.Y.).

Defendant - Ken
James L. Bosco
Cecilia R. Dickso
Ehret, Thomas C
Webb Law Firm,
Daniel J. Barsky
(Shutts & Bower
Beach, Fla.).

FACTS: Advanc
Information Syst
an infringement
Life360 Inc., ass

PLAINTIFF'S C
Plaintiff's "LifeR
allowed first res
enforcement, an
personnel, to "e
heading, speed,
information with
of their group."
allowed member
other's locations

Jeffrey W. Graham, m & (k); Jeffrey ma ark, Laura K. arlato, veland, Gillett Gable, ulsa, nner &). and Anne n against ve Group Dollar Rent r Inc., and elated to

substantive allegations and asserted various affirmative defenses.

RESULT: Plaintiffs Colleen Sullivan and Silvia David reached a \$360,754 settlement with the city. The city had previously settled the lawsuit as to plaintiffs Calkin, Foster, Lacampagne and Sanchez. Meanwhile, plaintiffs Lee Sullivan and Higgins decided to dismiss their respective claims in the lawsuit.

FILING DATE: May 18, 2012.

EMPLOYMENT LAW

**OVERTIME COMPENSATION
Retaliation**

VERDICT: \$159,406.

CASE/NUMBER: Donald MacLeod v. Emerson Electric Co., Emerson Retail Services Inc., Todd Zimmerman, and Does 1 through 100, inclusive / 5:11-cv-00159-FMO-PLA.

COURT/DATE: USDC Central / Nov. 21, 2014.

JUDGE: Hon. Fernando M. Olguin.

ATTORNEYS: Plaintiff - Joseph C. Markowitz (Law Office of Joseph C. Markowitz, Los Angeles).

Defendant - Alan C. Chen, David F. Faustman (Fox Rothschild LLP, Los Angeles).

FACTS: Donald MacLeod sued his employer Emerson Retail Services Inc. relating to his overtime compensation.

PLAINTIFF'S CONTENTIONS: Donald MacLeod alleged that he began working at Emerson on April 12, 2001. He worked as a Field-Refrigeration Specialist for about two years until he was transferred to Working Field Supervisor. During his time as Field-Refrigeration Specialist, he claimed that he worked approximately 11 hours a day, five days a week. He also claimed that he did not manage subordinate employees during this time. Emerson further alleged that as Working Field Supervisor, he also worked approximately 11 hours a day, five days a week. He claimed

FACTS: Christopher Cerbone sued the Roman Catholic Bishop of Sacramento over his firing as head football coach and physical education teacher from St. Patrick - St. Vincent High School, which is part of the Roman Catholic Diocese of Sacramento.

PLAINTIFF'S CONTENTIONS: While working as head football coach and physical education teacher at St. Patrick - St. Vincent High School, Cerbone learned of sexual abuse and hazing that occurred between members of the football team. He notified school administration and the Diocese conducted an investigation. Cerbone was fired after the investigation was completed. He alleged he was fired in retaliation for reporting the abuse and brought claims for unlawful retaliation, wrongful termination and defamation.

DEFENDANT'S CONTENTIONS: The Diocese claimed Cerbone's firing was lawful and for cause because he had ultimate responsibility over the football players as head coach during the time of the misconduct. It also claimed that its statements to the media about Cerbone were not defamatory because they were truthful.

RESULT: The jury returned a verdict in Cerbone's favor on his unlawful retaliation, wrongful termination and defamation claims and awarded him \$900,000 in compensatory damages.

The parties then entered into a stipulated judgment in Cerbone's favor on all causes of action in the amount of \$4 million, inclusive of his attorney fees and costs.

FILING DATE: Feb. 20, 2013.

**INTELLECTUAL
PROPERTY**

**COPYRIGHT INFRINGEMENT
Patent Infringement**

VERDICT: \$315,000.

CASE/NUMBER: Rawcar Group LLC dba CFI Medical Solutions v. Grace Medical Inc., Pulse Medical Inc., Preferred Medical Products, A&B Medical Specialties LLC / 3:

subject patents, declaration of invalidity of the subject patents, trademark registrations, tortious interference with contracts and economic relations, statutory unfair competition and common law unfair competition.

RESULT: The jury rendered a verdict in favor of CFI and awarded it \$315,000 in damages.

FILING DATE: May 8, 2013.

**INTELLECTUAL
PROPERTY**

**PATENT INFRINGEMENT
Unfair Business Practices**

VERDICT: \$532,900,000.

CASE/NUMBER: Smartflash LLC, Smartflash Technologies Limited v. Apple Inc. / 6:13-cv-00447-JRG-KNM.

COURT/DATE: USDC Texas / Feb. 24, 2015.

JUDGE: Hon. Rodney Gilstrap.

ATTORNEYS: Plaintiff - Bradley W. Caldwell, Jason D. Cassidy, John Austin Curry, Hamad M. Hamad, Warren J. McCarty III, Jason S. McManis, Justin T. Nemunaitis, Daniel R. Pearson, Christopher S. Stewart, John F. Summers (Caldwell Cassidy Curry PC, Dallas, Texas); T. John Ward, T. John Ward Jr. (Ward & Smith Law Firm, Longview, Texas).

Defendant - Ching-Lee Fukuda (Ropes & Gray LLP, New York, N.Y.); James R. Batchelder, Lauren N. Robinson (Ropes & Gray LLP, East Palo Alto); Megan F. Raymond (Ropes & Gray LLP, Washington, DC); Eric M. Albritton (Albritton Law Firm, Longview, Texas).

FACTS: Smartflash LLC and Smartflash Technologies Limited sued Apple Inc. relating to Smartflash's "Data Storage and Access Systems" patents.

PLAINTIFFS' CONTENTIONS: Smartflash alleged that Apple infringed Smartflash's patents relating to sale and distribution of digital content and rules for accessing same. Smartflash alleged that Apple infringed those patents in its iTunes software and IOS

onto onscreen maps and satellite images, and rapidly communicating their efforts." Plaintiff contended its technology is covered under several patents.

Meanwhile, plaintiff alleged that defendant developed a smartphone application called Life360, that allows its users to also see where their family members are located on a map and, similar to plaintiff technology, allows them to stay touch through group messaging, also allows members to "get help in an emergency."

Plaintiff alleged that defendant's app infringed on four of its patents.

DEFENDANT'S CONTENTIONS: Defendant denied plaintiff's allegations of infringement and challenged the validity of the patents. Particularly, defendant claimed that not a single user of its app performs all of the method steps of the claims that plaintiff asserted. Consequently, because a method claim is only infringed when someone practices every of the patented method, defendant claimed that no infringement had occurred as a matter of law. Defendant further asserted that no evidence existed showing that its admin users ever, or could ever perform all steps of the claims.

Defendant moved for summary judgement of non-infringement and no willful infringement.

RESULT: The court denied defendant's motion for summary judgment. The court then granted judgment as a matter of law in defendant's favor, rejecting willfulness.

The jury rendered a defense verdict, finding that none of the four patents were infringed by defendant.

FILING DATE: May 16, 2014.

PERSONAL INJURY

**AUTO V. MOTORCYCLE
Intersection Collision**

VERDICT: \$13,000.

CASE/NUMBER: Mary-Anna Rae v. Dalia Burde, an individual and Does 1 through 15 / CGC