

**quinn emanuel trial lawyers**  
quinn emanuel urquhart & sullivan, llp

## **Recent Employment Representations**

- Won confidential employment arbitration for an **international pharmaceutical company** against its departing senior US executive.
- We represented **eleven individual respondents** in connection with claims by their former employer, a major financial institution, arising out of their resignation to join a smaller registered investment advisor. The former employer asserted claims for breach of contract, breach of fiduciary duties, and misappropriation of trade secrets, among other causes of action. After 17 hearing days, during which the former employer called each of the individual respondents to testify, a three-arbitrator FINRA panel dismissed all of the former employer's claims and ordered it to pay all hearing fees.
- We represented **Kimberlite Corporation** and its **Chief Executive Officer** in a suit by Kimberlite's former President and Chief Operating Officer arising out of a transaction whereby Kimberlite was sold to its employees through an Employee Stock Ownership Program ("ESOP"). The plaintiff asserted numerous claims, including breach of employment contract, breach of partnership agreement, breach of fiduciary duty, fraud, wrongful termination, and breach of certain contractual obligations arising out of the ESOP transaction. Quinn Emanuel was substituted as counsel several months after the action commenced. We immediately asserted cross-claims against the plaintiff for breach of fiduciary duty and misappropriation of corporate assets, and proceeded to quickly obtain several tactical victories in connection with discovery disputes. After obtaining key admissions from plaintiff in discovery, we successfully moved for summary judgment on plaintiff's breach of fiduciary duty and partnership-related claims, significantly narrowing the scope of the case. The remaining claims were tried to a jury in Fresno, California in the spring of 2009. After winning most of the 23 motions in limine we filed on behalf of our clients, a team of Quinn Emanuel attorneys tried the case over the course of six weeks. We elicited devastating testimony from numerous witnesses on both direct and cross examination throughout the trial. At the beginning of the seventh week of trial, the plaintiff proposed to settle the case and our clients accepted. Both our corporate and individual clients were thrilled with the confidential settlement.
- After trial, we obtained complete defense verdicts on all claims asserted by a former personal assistant to **Dr. Henry T. Nicholas, III**. The former assistant sued Dr. Nicholas and his family office for alleged wrongful termination and unpaid overtime wages. A jury rejected the assistant's contention that she was terminated in retaliation for honoring a subpoena to testify before a federal grand jury. At the

ensuing bench trial on the overtime claim, the court credited the defense that the assistant was an exempt employee and awarded her zero damages.

- Less than a month before the hearing date, we were retained to conduct an arbitration of a slander claim asserted against business entities associated with **Dr. Henry T. Nicholas** by one of Dr. Nicholas' former assistants. The plaintiff was also a key witness in a pending federal criminal investigation involving Dr. Nicholas. After a two-week arbitration, we obtained a defense ruling rejecting plaintiff's contention that he was slandered by alleged comments characterizing a settlement demand as extortionate. Through aggressive cross-examination, we discredited the plaintiff as a witness in the government's criminal investigation, setting the stage for dismissal of the criminal charges six months later.
- We successfully defended **Barnes & Noble Booksellers, Inc.** in a wage and overtime class action alleging various violations of the Labor Code, including failure to provide meal breaks and rest breaks and failure to pay overtime. The Court denied certification in its entirety, ruling that plaintiff failed to satisfy his burden to demonstrate common issues predominated over individual issues, and that a class action was a superior method of adjudicating plaintiff's claims.
- We represented a **printing company** in a case it brought against a former employee and his new employer alleging misappropriation of trade secrets, breaches of fiduciary duty and interference with economic advantage. We were substituted in as counsel several months before trial. After a month-long trial straddling the holidays, we won a jury verdict for \$5.7 million in compensatory damages and over \$8 million in punitive damages.
- We represented **Disney** in a trial that received prominent newspaper coverage, arising out of the plaintiff's contention that, over a period of several years, plaintiff's supervisor made offensive sexual remarks and gestures. Five witnesses supported plaintiff's contention. The defense strategy was to show that plaintiff and her supervisor had for years enjoyed a friendly relationship that included mild sexual banter. After a six-week trial, the jury returned a unanimous verdict for the defense.
- We represented **Buena Vista Home Video**, in a case involving the less common situation of a female supervisor being accused of sexually harassing a male subordinate. The plaintiff, who alleged damages in excess of \$2.25 million, claimed he had been subjected to six months of sexual overtures and sexually explicit banter. Plaintiff claimed the behavior was offensive to him because he was homosexual. The woman denied that she knew he was gay and claimed that her "overtures" were modest, such as invitations to after-work social activities. We obtained a defense verdict.
- We represented **Jefferies & Company** in a case brought by a former highly-paid Senior Vice President and salesperson who alleged that her termination was discriminatory. The plaintiff had the highest commissions of any of the defendant's sales people during the final year of her employment. After a two-month trial, the

jury returned a defense verdict. The result was nominated "Verdict of the Month" by *The National Law Journal*.

- We represented **Packard-Hughes Interconnect** in a case brought by an employee who alleged that her career began a downward spiral after she testified in a sexual harassment case brought against her supervisor by another employee. According to the plaintiff, who had been with the company for 29 years, over the next two years her duties were reduced to almost nothing. Finally, six months after plaintiff turned 50, her supervisor cut her pay by ten percent and told her that the next step would be out the door. Plaintiff filed a suit for age discrimination, age harassment, and retaliation. After a five week jury trial, the jury deliberated just four hours before returning a defense verdict on all claims.
- We represented **Space Systems/Loral** in a case brought by a 49-year old Chinese-American engineer, who was the supervisor of automated circuit-card assembly. Our client claimed that the plaintiff was terminated for failing to properly direct his assemblers to follow work orders and production guidelines, resulting in damage to components on the circuit cards. The plaintiff claimed he was scapegoated for the damaged circuit cards. After a two-week trial, the jury returned a verdict for defendant in only 20 minutes.
- We represented an **AIG** subsidiary when two of its senior investment fund managers sought to work for a competitor and solicited AIG's clients. The firm obtained a preliminary injunction on behalf of AIG from a New York federal court.
- We represented a **premiere financial services company** in a trade secrets case involving a financial consultant who resigned from the company and went to work for a competitor. Even though the financial consultant's contract contained a non-solicitation provision, on the same day as his resignation, he sent solicitation packages to hundreds of his former employer's customers. The packages included pre-printed account transfer forms that contained proprietary customer data that could only have been obtained from the financial services company's files.
- We represented **Avery Dennison** when it hired a salesperson from 3M, who, unbeknownst to Avery, secretly took 3M documents with him when he left 3M. Alleging trade secret misappropriation, 3M sued both Avery and the employee. Although the documents came to light when 3M obtained an ex parte seizure order and the marshal raided the employee's house, we persuaded the jury that Avery had no knowledge of the employee's activities, and after a 3-month jury trial obtained a complete defense verdict.