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TRIALS AND ARBITRATION

Litigation is the largest and most expansive practice at Weintraub, with more than 40 highly accomplished trial attorneys working from our five offices, helping clients protect and defend their businesses, intellectual property, and legacies. Our attorneys are licensed in jurisdictions across California and nationwide and have a strong track record of successful representation in bench and jury trials in both state and federal courts.

Litigation has been a mainstay of Weintraub's services throughout its history. Our litigators handle complex business litigation and bet-the-company litigation for some of the region's largest and most successful companies, privately-held and family businesses, and individuals. Our litigation bench includes attorneys with trial experience in disputes requiring litigation experience in specialized areas of law. When we are asked to take over a case, our depth allows us to quickly ramp up and prepare for trial.

When a better outcome can be achieved through alternative dispute resolution (ADR), Weintraub attorneys work with clients to determine which ADR mechanism will be most appropriate, advising them on cost, efficiency, and goals. Our attorneys have represented clients in a wide variety of ADR, including court-ordered, contractual, federal, cross-jurisdictional, and international matters.

Our attorneys also assist clients who choose to pursue a judicial reference, where their case is handled privately. The parties still maintain their right to appeal and the process is often quicker than the court system. We have significant experience in handling judicial reference cases and can effectively and efficiently guide clients through each step of this unique process.

REPRESENTATIVE MATTERS

- Represented client who sold its business subject to an earn-out provision in the contract. Buyer refused to honor the earn-out obligation, resulting in a year-long trial and a \$24 million verdict in favor of our client. After reversal in the court of appeal, a second eight-month trial was resolved by a substantial confidential settlement. (business lit)

- Represented former shareholders seeking a multi-million dollar earn-out payment against a Fortune 500 company due under a stock purchase agreement. The dispute was arbitrated under a mandatory arbitration provision, resulting in a complete verdict on behalf of our clients for the full amount of the earn-out payment plus attorneys' fees and costs. (Business lit)
- Represented a national bank in an accounting malpractice trial for damages suffered as a result of a failed audit of the bank's borrower. Jury returned a verdict on behalf of our client against the Big Four accounting firm in an amount in excess of \$3 million, with factual findings entitling our bank client to punitive damages. (business lit)
- Represented Sacramento-based charter school company and obtained a jury verdict with punitive damages against charter school competitor for unfair competition.
- Represented helicopter parts manufacturer in an arbitration with a minority partner concerning rights arising under an asset purchase agreement and operating agreement. Our client sued the minority partner for breach of representations and warranties concerning assets contributed by the minority partner. The minority partner sued for breach of fiduciary duties under the partnership agreement. We obtained a million dollar award against the minority partner and prevailed on the breach of fiduciary duties claims by the minority partner.
- Represented general partner in an arbitration initiated by a minority limited partner concerning access to partnership records and confidential information. Prevailed in arbitration and awarded attorneys' fees.
- Obtained arbitration award on behalf of minority member against majority member of a real estate development LLC related to valuation rights, accounting, and liquidation value after majority member wrongfully terminated LLC.
- Successfully represented the Cal Neva Resort located in Lake Tahoe in obtaining valuable business activity related prescriptive easements over neighboring property. The case was extensively litigated and the easements and encroachments confirmed after a three week trial. The judgment in Cal Neva's favor was appealed, and the firm successfully defended the judgment through appeal. (also on RE Lit but worded differently)

- We represented defendants in a multi-million dollar property dispute. Trial resulted in a defense verdict against plaintiff's claims and a \$500,000 award to our clients on the clients' cross-complaint. (also on RE Lit)
- Defended real estate purchaser against claims of seller alleging breach of land purchase agreement, fraud, and conversion of personal property. Defeated most claims on summary judgment and prevailed after trial on the fraud and conversion claims. Successfully recovered attorneys' fees and costs and upheld verdict and award of attorneys' fees and costs on appeal. (also on RE Lit)
- Successfully defended a commercial tenant from its landlord's efforts to terminate two 99-year leases over a very desirable 25-acre commercial property in Roseville, California. We successfully prosecuted a cross-complaint against the landlord, which resulted in an award of damages against the landlord and an award of attorneys' fees after a three-week trial. Additionally, the Court ordered reformation of the leases, requiring the leases to be consolidated on the terms most favorable to the tenant because we were able to establish that the landlord violated the Subdivision Map Act. (Also on RE Lit, worded differently)
- Successfully represented Shea Homes against allegations of violations of California's new home subdivision processes, misrepresentations in sales contract, and other malfeasance at a multi-phase trial related to a development it has acquired in San Jose, California. (Also on RE Lit)
- Represented Beverly Park and won a major easement dispute after a three-month trial. (Also on RE Lit)
- Represented regional company at trial against copyright claims brought by an independent computer programmer regarding claimed copyrights in custom software created for our client. Prosecuted a counterclaim against the programmer, alleging joint authorship, breach of contract, and fraud. Trial was conducted in Los Angeles federal court, resulting in a complete verdict on behalf of our client, defeating the consultants' copyright claims and prevailing on the cross-complaint, resulting in a substantial monetary judgment, plus attorneys' fees and costs. (Also on IP Lit)



- Successfully arbitrated claims initiated by our client, a high-tech engine design and manufacturing firm, against international company related to breach of technology design and development agreement and misuse of intellectual property. Arbitration award for our client for the amount of damages and prohibition against use of intellectual property, plus attorneys' fees and costs.(Also on IP Lit)
- Successfully defended retired title insurance executive in four-month jury trial in a case involving claims of trade secret misappropriation and unfair competition filed by North American Title Company (Contra Costa County, California).(Also on IP Lit)
- Obtaining a judgment over \$30 million in a trial for a breach of contract case between two real estate development business partners.
- Successfully arguing at the Federal Circuit Court of Appeals to affirm of the district court's grant of summary judgment of invalidity of an asserted patent.
- Obtaining a total defense verdict on all counts after a jury trial where plaintiff, who was a store customer, sought over \$500,000 in damages alleging that defendant's employee negligently or intentionally caused her to fall and suffer injury.
- Successfully defending a client where plaintiff sought to collect \$60 million on a personal guaranty of a land development loan.
- Arbitrated value of Bay 101 Casino, located in San Jose, California pursuant to buy-sell agreement on behalf of client with substantial ownership interest in Casino. Assisted client in obtaining State Gambling Control Commission approval of stock sale and licensing of client to receive sale proceeds.
- Successfully defended seller against specific performance and breach of contract claims arising from failed transaction involving a proposed commercial development in Yolo County. Obtained favorable judgment following a two-week arbitration, and an award of attorney's fees.
- Defended seller of multi-family housing complex valued in excess of \$10 million against breach of contract and fraud claims brought by buyer who failed to fully perform its contractual obligations by the close of escrow deadline. Successfully represented seller on appeal after winning three-week bench trial, and a full award of attorney fees.



