

## Complex Business Litigation

Many of the region's leading companies trust their most significant litigation to Downey Brand—with good reason. We have some of the most knowledgeable and resourceful trial and appellate lawyers in Northern California, with extensive experience in state, federal and administrative tribunals throughout California and beyond.

Our attorneys have a proven record of successfully handling a wide variety of complex high-stakes commercial and business cases. Our experience covers the waterfront for both plaintiffs and defendants in business, employment, qui tam, class action, securities, antitrust, shareholder and partnership disputes, probate, healthcare, intellectual property, federal and state investigations, construction, wildland fire, real estate, and environmental matters.

Recognizing that litigation can be a costly distraction, we work closely with our clients to pursue creative, efficient and practical solutions to a wide array of contentious disputes. However, if pre-trial resolution is impossible—or where a more aggressive posture is warranted—we never hesitate to call upon our substantial experience and skill to aggressively pursue and defend our clients' interests through trial and appeal.

Downey Brand has the region's largest litigation department, with over 40 lawyers who handle diverse matters in civil, appellate and regulatory forums. Our litigation attorneys have the confidence and legal acumen to efficiently and effectively obtain results for our clients.

### Selected Experience

- Downey Brand represented Sierra Pacific Industries in litigation stemming from the Moonlight Fire, one of this country's largest ever wildland fire cost recovery actions. The Moonlight Fire matters were tried in both federal and state court, and initially resulted in a federal settlement with the United States Forest Service for pennies on the dollar. Downey Brand's client was recently completely vindicated in Plumas County Superior Court when, three days before trial was set to commence, the court dismissed all six separate cases filed against it and entered judgments in favor of Sierra Pacific Industries.
- Downey Brand handled contentious and protracted litigation on behalf of real estate holding company Park Cattle Co. in litigation against Bill Yung and his Tropicana gaming and holding companies for enforcement of a ground lease for the Horizon Casino Resort in South Lake Tahoe. A two month jury trial resolved two days before Downey Brand's closing argument when Yung and Tropicana agreed to dismiss their complaints against Park Cattle, return the Horizon property, and pay \$165 million in damages, plus interest, to Park Cattle.
- Downey Brand represented large California school district in litigation over approximately \$70 million in new school construction. After overbilling the district millions of dollars, the general contractor abandoned the projects. Downey Brand successfully mediated all 13 of the subcontractor claims brought against the district as a result of the general contractor's conduct, and brought claims against the general contractor, its principals, an assistant superintendent of the district, and the general contractor's accountants. The California Attorney General issued numerous criminal indictments against the general contractor's

management team and a school district assistant superintendent based on the ground work laid by the Downey Brand litigation team.

- In a bet-the-company suit against its client's direct competitor for copyright infringement and trade secret misappropriation of proprietary source code, Downey Brand represented AtPac, Inc., a leading supplier of database software used by Clerk-Recorder offices throughout California. When AtPac filed suit against its much larger competitor and a governmental entity, they hired intellectual property specialists from Los Angeles to handle their defense. Through tenacious discovery efforts, Downey Brand's litigation team uncovered irrefutable evidence of defendants' malfeasance, and demonstrated that defendants had failed to comply with their discovery obligations and had destroyed evidence of their wrongdoing. Downey Brand obtained substantial monetary sanctions against the defendants and their counsel, and a critical order requiring that the jury would be instructed on the adverse inference arising from defendants' destruction of evidence. With the benefit of these hard fought rulings, Downey Brand secured a \$1.9 million settlement for AtPac, Inc. on the eve of trial.
- At the conclusion of a three week jury trial in Sacramento County Superior Court, jury returned a complete defense verdict for Downey Brand's clients, real estate developers Charles Somers and Ron Alvarado, who were sued by AKT Development Corporation for fraud, breach of contract and breach of fiduciary duty regarding an alleged joint venture to purchase significant development property near Sacramento.